

The British Columbia Cabinet's Role in the Agricultural Land Reserve, 1973-1993

by

Benjamin Dippel

B.A., University of Victoria, 2022

A Thesis Submitted in Partial Fulfillment of the
Requirements for the Degree of

MASTER OF ARTS

in the Department of History

©Benjamin Dippel, 2024

University of Victoria

All rights reserved. This thesis may not be reproduced in whole or in part, by photocopy or other means, without the permission of the author.

The British Columbia Cabinet's Role in the Agricultural Land Reserve, 1973-1993

by

Benjamin Dippel

B.A., University of Victoria, 2022

Supervisory Committee

Dr. Penny Bryden, Supervisor

Department of History

Dr. John Lutz, Departmental Member

Department of History

Abstract

This thesis is about British Columbia's government, the workings and evolution of the Environment and Land Use Committee (ELUC), a cabinet committee, and cabinet appeals regarding Agricultural Land Reserve (ALR) land, a provincial land use policy intended to protect agricultural land from development. From 1973 to 1993, the cabinet and the ELUC had the final call on whether land was excluded from the ALR through cabinet appeals from individuals, local governments, and the Agricultural Land Commission. This thesis looks at some of the decisions by the cabinet and the ELUC in this role. I argue here that the Social Credit government of Bill Bennett used cabinet appeals to make it easier for landowners to appeal to an elected body and to build. It is argued that Bill Vander Zalm's Social Credit government used cabinet appeals to ensure that the development of ALR-zoned land enriched his constituents, the premier's friends, and the premier. I also argue that the NDP governments of Dave Barrett and Mike Harcourt sparingly dealt with ALR appeals. The thesis is structured into five main chapters, beginning with the creation of the cabinet committee during W.A.C. Bennett's last government in 1969 and ending in 1993 with the abolition of most cabinet appeals. Specific appeals are explained from Vancouver Island, the lower mainland, and the Okanagan valley. This thesis contributes to scholarship about British Columbia's government and political culture, cabinet and cabinet committees, and the ALR; it does so in an innovative way by examining specific ALR appeals.

Table of Contents

Supervisory Committee	ii
Abstract	iii
Table of Contents.....	iv
Acknowledgments	v
Introduction	1
Chapter One	20
Chapter Two	29
Chapter Three	44
Chapter Four.....	57
Chapter Five.....	75
Conclusion	88
Bibliography.....	91

Acknowledgments

This thesis would not have happened but for the reassurance and help from my supervisor, Penny Bryden. Penny taught me Canadian political history in my second and third years as an undergraduate at the University of Victoria. After a class in late 2021, on a whim, I spoke to her about a *very* general idea I had for a master's thesis about British Columbia's Agricultural Land Reserve (ALR). It is through her guidance that this thesis was possible. Penny's help in our usually bi-weekly meetings—sometimes over a coffee or even a bagel—have been so appreciated. I will never be able to effectively articulate how much she has helped me. I never would have made it through graduate school were it not for the work of Dr. John Lutz, Dr. Andrew Petter, Dr. Jamie Lawson, Dr. Michael Reed, Dr. Neilesh Bose, Dr. Elizabeth Vibert, Dr. Jason Colby, Dr. Gordon Lyall, Dr. Nicholas Bradley, Dr. Mary Elizabeth Leighton, Dr. Samuel Wong, and many other lovely professors. Each of them has helped me profoundly from my first day at the university to my last. I also dedicate this thesis to my family: my father, Darcy; my three remaining grandparents Patricia, Shirley, and Douglas (and my deceased grandfather Don); my uncles, Gary, Scott, and Brent; my aunts, Jennifer, Melissa, and Gina; and cousins Katy, Anna, Sophie, Ian, Kaylee, and Hannah. I also thank my stepmother Carol, and my dearest friends Evin, Allie, Brittaney, Izak, Bruce, Bryon, Matt, Steve, Radu, Shervin, Moiz, Barry, Micky, and Chloe. I also thank my dear friends from the University of Victoria, who helped me pursue knowledge: Sophia, Natasha, Jeremy, Kristen, and Eric. I have beautiful people in my life in British Columbia and around Canada; I am lucky to have them. The thesis is also dedicated to my deceased mother Joanne, whom I miss so deeply, and to the five governments discussed here, as I thoroughly enjoyed researching and writing about them.

Introduction: British Columbia's Agricultural Land Reserve and Literature on it

This thesis is about British Columbia's government, the workings and evolution of the Environment and Land Use Committee (ELUC), a cabinet committee, and cabinet appeals regarding Agricultural Land Reserve (ALR) land, a provincial land use policy intended to protect agricultural land from development. The Agricultural Land Commission (ALC) is an administrative tribunal charged with adjudicating requests to remove land from the policy; it, and the ALR, turned fifty years old in 2023.¹ From 1973 to 1993, this administrative tribunal was regularly overruled by British Columbia's politicians: either the full cabinet or its ELUC had the final say on whether land was excluded from the reserve. The argument of this thesis is that the Social Credit government of Bill Bennett used cabinet appeals to make it easier for people to appeal to an elected body and to build. It is argued that Bill Vander Zalm's Social Credit government used ALR appeals to redevelop ALR-zoned land to enrich constituents, the premier, and his friends. I also argue that the NDP governments of Dave Barrett and Mike Harcourt sparingly dealt with ALR appeals. I show this through specific appeals in the Okanagan, the lower mainland, and on Vancouver Island. To understand these withdrawals, it is best to imagine we are going on a walk in these places to see the land and how it has changed.² This chapter situates this history within scholarship about BC's government and political culture, cabinet and cabinet committees, and the ALR.

After provincial elections, the premier forms a cabinet from their party's elected Members of the Legislative Assembly (MLAs).³ The full cabinet then appoints cabinet ministers

¹ "Home," Agricultural Land Commission, last accessed January 26, 2024, <https://www.alc.gov.bc.ca>

² Walking helps explain individual connections to place and create shared understandings of place. See: Julia Aoki and Ayaka Yoshimizu, "Walking Histories, Un/Making Places: Walking Tours as Ethnography of Place," *Space and Culture* 18, no. 3 (2015): 280.

³ For example, see: *Constitution Act* R.S.B.C. 1979, c 62, s 10 (1). That is, "The Executive Council shall be composed of persons the Lieutenant Governor appoints, not exceeding 23, including the Premier of the Province, who shall be president of the council."

to the ELUC⁴ and interested members of the public to the ALC.⁵ The ELUC is a cabinet committee and the ALC is an administrative tribunal. Protecting agricultural land was a concern in the British Columbia of the late 1960s because of the effects of urban sprawl and the depletion of prime agricultural land. And while in the twenty years preceding 1971, the loss of agricultural land was offset by agricultural gains due to new clearing, this clearing was mostly in the “low-yield grazing areas in the north and the interior,” while agricultural land was lost in the fertile valley bottoms, coastal plains, and river basins adjacent to British Columbia’s urban centres.⁶ The ALC then designates land as ALR.⁷ The offset loss of agricultural land continued after the ALR’s creation on Vancouver Island, the Lower Mainland, and the Okanagan valley, however: the ALR originally comprised 4,615,516 hectares of land province-wide and by 2008 the zone expanded to 4,759,250 hectares—but these three areas lost 11%, 10.3%, and 7.4% of their original ALR, respectively. They also represent 75% of British Columbia’s farm receipts.⁸ The ALR “severely restricts” the ability of a landowner to develop their land for a non-agricultural land use or to subdivide their land.⁹ Zoning land as ALR should reduce land values, as it is its

⁴ For the first ELUC’s appointment, enacted without W.A.C. Bennett present, see: Government of British Columbia PC. Order in Council 2300-1969, 1. The ministers involved in the ELUC’s creation were Black, Williston, Richter, and Chant. For the Barrett cabinet appointing people to the Land Commission for the first time, see: Government of British Columbia PC. Order in Council 1662-1973, 1-2. The appointments were: William T. Lane as chair, Vernon C. Brink, Mary Rawson, Arthur E. Garrish, and Edward E. Barsby. The ministers involved in these appointments were: Barrett, Stupich, Hall, Macdonald, Williams, Nimsick, Strachan, King, Dailly, Lorimer, Cocke, Hartley, and Levi.

⁵ In 1980, four new members were appointed to the ALC in addition to the members that remained. With these appointments, Dr. Mills Clarke, a Nanaimo director of the Agassiz Research Station and former coordinator of forage crop research, was ALC chair. C.E. Framst, a retired farmer from Cecil Lake, J.A. Rogers, a former president of the B.C. Livestock Producers Cooperative Association, and Walter Redel, a former deputy minister, were added to the ALC. The other members at this time, which were retained with these four new appointees, were Allan Claridge, C.F. Cornwall, and John Rogers. For these appointments, see: *Vancouver Sun*, “4 Named to Land Board,” *Vancouver Sun*, March 8, 1980, A9.

⁶ Andrew Petter, “Sausage Making in British Columbia’s NDP Government: The Creation of the Land Commission Act, August 1972-April 1973,” *BC Studies* no. 65, (Spring 1985): 4-5.

⁷ For the Okanagan-Similkameen Regional District’s ALR being created with prior approval and being designated as ALR by the Commission, see: Government of British Columbia PC. Order in Council 181-1974, 1.

⁸ Tracy E. Stobbe, Alison J. Eagle, Geerte Cottleer, and G. Cornelius van Kooten (hereafter, Stobbe et al.), “Farmland Preservation Verdicts—Rezoning Agricultural Land in British Columbia,” *Canadian Journal of Agricultural Economics* 59, no. 4 (2011): 558-559.

⁹ *Ibid.*, 557.

agricultural ability and not its development potential that should theoretically be reflected in its price.¹⁰ For instance, ALR land near cities has high development potential and therefore when its use is restricted its property value is lessened.¹¹ The ALR's existence means that there is an incentive for owners wanting to make a profit on their land to remove their land from the ALR to increase property values.¹² After land was zoned as ALR or subsequently included in the ALR, a local government, individual, or the ALC could appeal the decision to zone the land as ALR. Normally, such an application went to the ALC and if rejected could be appealed either to the cabinet or ELUC (if coming from the ALC it went directly to cabinet).¹³

The cases I deal with were not picked randomly. Appeals were chosen from Vancouver Island, Greater Vancouver, and the Okanagan for important reasons: first, Bill Bennett and Bill Vander Zalm were from Kelowna and Richmond, respectively.¹⁴ I discuss two appeals from Nanaimo and Richmond that occurred during Bill Bennett's government because of their proximity to an urban centre and because they show the Bennett government's interest in building projects. I selected appeals for the Barrett and Harcourt governments from the Okanagan again because of their proximity to urban centres and to residential land uses. They were also chosen from a smaller number of archive records available. It also happens that

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ For the version of the act with most of the types of appeal we are dealing with that was in force for most of the twenty-year period under study, see: *Agricultural Land Commission Act* R.S.B.C. 1979, c 9, ss 11 (1); 11 (2); 12 (1); 13 (1); 13 (2).

¹⁴ On Bennett being from Kelowna, see: Cassandra Jeffrey, "Former B.C. Premier and Kelowna Resident Bill Bennett Passes Away," *Kelowna Now*, last updated December 4, 2015, https://www.kelownanow.com/watercooler/news/news/Provincial/15/12/04/Former_B_C_Premier_and_Kelowna_Resident_Bill_Bennett_Passes_Away/ For Vander Zalm being from Richmond, see: Lee Bacchus, "Final Fantasy: Nature Reclaims Fantasy Gardens, the Dreamscape of Former BC Premier Bill Vander Zalm," *Tyee*, last updated August 7, 2009, <https://thetyee.ca/ArtsAndCulture/2009/08/07/FinalFantasy/>

Vancouver Island, Greater Vancouver, and the Okanagan are three areas of British Columbia that I know well.

This thesis is important for demonstrating why appeals happened and how they were resolved. ALC membership change was not a particularly significant cause of appeals because its decisions about the ALR were not final over the twenty years that cabinet appeals for the ALR existed. Their decisions could be overruled by the government of the day through appeals.¹⁵ The thesis shows why government rulings were more important than the Commission's decisions about ALR land. In studying ALR land in British Columbia it is important to note that few historians write history that comprises the *whole* of British Columbia; rather, BC history tends to focus on the province's southwest corner.¹⁶ ALR scholarship is generally focused on the southwest corner because the province's most productive farmland is in these areas.¹⁷ I take this history outside the southwest corner of the province and into the small Okanagan communities of Olalla, West Bank, Summerland, the Ellison Valley, and Oliver through these appeals.

Others have argued that ALC membership change is more significant and that the political party in power does not influence the success of appeals. These arguments are important, but they do not show how provincial governments influenced the ALR and British Columbia's land through appeals. Garrish writes the ALC had an "activist" approach from 1973 to 1975 when the NDP government of Dave Barrett was in power which ended "as quickly as it began" when Commission members were dismissed in October 1976 during Bill Bennett's government.¹⁸ In these early years, the Commission was activist because it could create an

¹⁵ Ibid.

¹⁶ Jean Barman, "Seeing British Columbia," *BC Studies* no. 131, (Autumn 2001): 14.

¹⁷ For instance: Stobbe et al., "Farmland Preservation Verdicts," 555-572; Denver V. Nixon and Lenore Newman, "The Efficacy and Politics of Farmland Preservation Through Land Use Regulation: Changes in Southwest British Columbia's Agricultural Land Reserve," *Land Use Policy* 59 (2016): 227-240.

¹⁸ Christopher Garrish, "Unscrambling the Omelette: Understanding British Columbia's Agricultural Land Reserve," *BC Studies* no. 136, (Winter 2002/03): 43-44.

“integrated agricultural land use management plan” and purchase land, distinguishing this period of the ALC’s history from later years.¹⁹ Garrish writes about the Commission’s ingenuity at this time. For example, it had a project to redirect urban growth in Kelowna by using “alternate development patterns.” The project compared Kelowna’s growth if the development of agricultural land was permitted or not permitted. Its goal, which was achieved, showed that if Kelowna’s population tripled, then only 30% of the city’s residential areas would need to be redeveloped to accommodate the increase and to prevent urban sprawl into the city’s orchard land.²⁰ He also writes that the Commission collaborated with the City of Vernon on a spray irrigation project that resulted in the diversion of waste products from Okanagan Lake; it also decreased pollution. The project was completed by acquiring land and improving its aridity by spraying it with effluent.²¹ The Commission also helped prevent urban sprawl in the Spallumcheen Valley.²² This thesis builds on Garrish’s work on the Commission’s early ingenuity through discussion of its purchase of Anderson Hill Park in Oak Bay.

Other scholars have shown that the success rate of appeals does not depend on the political party in power.²³ Just because appeals were not more successful during one political party’s tenure over another, does not explain either why many more appeals came to the government during Social Credit’s administration of the ALR or how the appeals worked. This thesis is different because it focuses on different government’s roles in appeals and demonstrates the day-to-day operation of appeals for the twenty years the appeal power existed. The thesis also

¹⁹ Ibid., 42.

²⁰ Ibid., 43.

²¹ Ibid.

²² Ibid.

²³ Stobbe et al., “Farmland Preservation Verdicts,” 555. As they say: “Even though public opinion has suggested otherwise, the political party in power at the time of the decision was only a weak factor, mostly moderated by the number of applications in a given year.” Though I do not disagree necessarily with this argument, this does not show how governments changed the ALR and British Columbia’s land through appeal decisions. This thesis is about showing more about the sites where the appeals happened.

shows how many ELUC meetings were devoted to appeals to show that Social Credit spent much more time on them than the NDP did from 1973 to 1993.

The first focus of this thesis is British Columbia's government and political culture. Many scholars have made a strong case that British Columbia's political environment is unique in Canada. Nelson Wiseman has called its political culture "detached and offbeat" because of its dislocation from the rest of Canada by the continental divide and its distance from central Canada.²⁴ He has characterized BC as being similar to Australia because both places shared gold rushes in the 1850s, have resource-based economies, were made more accessible via canals, are urban, require referenda for constitutional change, and BC in fact modelled its Single Transferrable Voting (STV) system on Australia's in the 1950s.²⁵ Martin Robin writes that the province has a "unique social environment" due to its social structure, party politics, ideology, and culture.²⁶ The province is also unique because of how W.A.C. Bennett governed British Columbia. Robert A.J. McDonald has described Social Credit's economic policies as paradoxical, noting that W.A.C. Bennett rejected calls for a publicly owned hydroelectric industry repeatedly but nevertheless nationalized BC Electric during his administration.²⁷ McDonald writes that this policy shift happened because of Bennett's pragmatism and that BC Electric's creation shows Bennett was a classical liberal whose emphasis on individualism and private property was combined with an "unappreciated strand of community ideology," which made Bennett the politician he was. He argues Bennett's politics took William Gladstone's

²⁴ Nelson Wiseman, *In Search of Canadian Political Culture*, (Vancouver: UBC Press, 2007), 127.

²⁵ *Ibid.*, 250-251. See also: Stephen J. Harrison, *The Alternative Vote in British Columbia: Values Debates and Party Politics*, (Victoria: University of Victoria, 2010).

²⁶ Martin Robin, "British Columbia: The Company Province," in *Canadian Provincial Politics: The Party Systems of the Ten Provinces, Second Edition*, ed. Martin Robin (Scarborough, ON: Prentice-Hall of Canada, 1978), 27.

²⁷ Robert A.J. McDonald, *A Long Way to Paradise: A New History of British Columbia Politics*, (Vancouver: UBC Press, 2021), 317.

Liberal Party politics of the United Kingdom in a more collectivist direction.²⁸ The differences between British Columbia and the rest of Canada extends to its judicial system too. In summarizing the BC Court of Appeal's first one hundred years, Hamar Foster notes that when the province joined Canadian confederation, it was unclear which level of government had jurisdiction over the province's Supreme Court judges.²⁹ The province has its own *Constitution Act*, created in 1871,³⁰ setting out the structure of the executive government, which Campbell Sharman writes is "strange" for Canadian provinces.³¹ Geographically, the province is unique too: the scarcity of agricultural land is a good example. Only five percent of the province's land is arable.³² For the period under study in this thesis, Jean Barman has described the political direction of the province as uncertain from the 1972 election to the 1990s.³³ While uncertainty does not necessarily mean uniqueness, this is a long period of political instability that deserves additional study. This thesis builds on the work of these scholars and illustrates the way BC's unique geography contributes to a unique political culture.

The second focus of this thesis is on cabinet committees and cabinet. Cabinet committees have been studied federally in Canada by Kenny William Ie, specifically the "role of representation in determining ministerial influence within cabinet decision making after appointments are made" in the governments of Paul Martin, Stephen Harper, and Justin Trudeau.³⁴ He looks specifically at region and gender. For region Ie finds that "ministers from

²⁸ Ibid.

²⁹ Hamar Foster and John McLaren, "For the Better Administration of Justice: The Court of Appeal for British Columbia, 1910-2010," *BC Studies* no. 162, (Summer 2009): 8.

³⁰ *The Constitution Act*, S.B.C. 1871, c 3.

³¹ *Constitution Act* R.S.B.C. 1996, c 66. See also: Campbell Sharman, "The Strange Case of a Provincial Constitution: The British Columbia *Constitution Act*," *Canadian Journal of Political Science* 17, no. 1 (1984): 87.

³² Petter, "Sausage Making," 5.

³³ Jean Barman, *The West Beyond the West: A History of British Columbia, Revised Edition*, (Toronto: University of Toronto Press, 1996), 321.

³⁴ Kenny William Ie, "Representation and Ministerial Influence on Cabinet Committees in Canada," *Canadian Journal of Political Science* 54, no 3, (2021): 616.

less-represented regions are no more likely” to be influential than other ministers.³⁵ For gender, he finds that female ministers are less likely than male ministers to be influential on cabinet committees, less likely to have connections to other ministers, less likely to belong to the “core” influential members of cabinet committees, and less likely to chair these committees.³⁶

Elsewhere, Ie writes that cabinet committees in coalition governments are significantly more collegial than single-party cabinets.³⁷ Cabinet committees developed after the Second World War in response to the increasing size of government, to reduce workload, and coordinate policy across government; they are generally tasked with coordination, decision-making, or implementation mandates. Australia, Canada, and the United Kingdom have arguably the most developed cabinet committee systems. In Canada, cabinet committees are ‘extensions’ of cabinet whose decisions are rarely challenged.³⁸ This thesis contributes to scholarship on the activities of cabinet committees at the provincial level by studying cabinet appeals, as they were one of the main tasks for the ELUC’s of Bill Bennett’s and Bill Vander Zalm’s governments. ALR appeals show the growth of the Environment and Land Use Committee in British Columbia.

The full cabinet of British Columbia, meanwhile, has garnered additional scholarly attention elsewhere. Terence Morley focuses on the different styles of premiers and how premiers used their power in different ways, beginning with W.A.C. Bennett and ending with Glen Clark.³⁹ He explains the significance of the premier’s role in appointing cabinet ministers, how cabinet works and how it takes decisions, how its decisions are subject to “checks” through law, media, federal authority, the opposition, public service, regulatory agencies, and then explains

³⁵ Ibid.

³⁶ Ibid.

³⁷ Kenny William Ie, “Cabinet Composition, Collegiality, and Collectivity: Examining Patterns in Cabinet Committee Structure,” *European Political Science Review* 14, no. 1, (2022): 115.

³⁸ Ibid., 116.

³⁹ Terence Morley, “The Government of the Day: The Premier and Cabinet in British Columbia,” in *Politics, Policy, and Government in British Columbia*, ed. R.K. Carty (Vancouver: UBC Press, 1996), 143-146; 159-162.

how each government studied was checked by these various things.⁴⁰ Morley regards the cabinet as the “central directorate of government” that controls the executive branch of government by directing the votes of a majority of MLAs, shaping public policy, and filling in legislative details by passing subordinate legislation as orders.⁴¹ He explains that until the early 1990s, British Columbia’s cabinet “acted as a kind of court” by hearing appeals on land use issues and motor vehicles.⁴² By studying the ALR through specific appeals, we see the cabinet operating in this way in this thesis.

Working on British Columbia’s cabinet and cabinet committees, Norman J. Ruff builds on Tennant and Morley’s work.⁴³ He argues BC’s political system is marked by strong executive leadership, malleable administrative structures, and the politically contingent power of the bureaucracy. My thesis shows the strong executive leadership in British Columbia’s government, as it is government with the final call over ALR decisions. Ruff also notes that “historically, if a single administrative style had been attached to British Columbia it would have been one of...insularity.”⁴⁴ He argues the province was insular because of W.A.C. Bennett’s administrative style, saying these administrative values lagged behind the changing scope of provincial public policy, which held back the development of institutionalized policy except work done by Bennett himself.⁴⁵ He then argues the election of the province’s first New Democrat government of Dave

⁴⁰ Ibid., 147-160.

⁴¹ Ibid., 151.

⁴² Ibid.

⁴³ For Ruff citing Tennant and Morley, see: Norman J. Ruff, “The West Annex: Executive Structure and Administrative Style in British Columbia,” in *Executive Styles in Canada: Cabinet Structures and Leadership Practices in Canadian Government*, eds. Luc Bernier, Keith Brownsey, and Michael Howlett, (Toronto: University of Toronto Press, 2005), 227; 228.

⁴⁴ Ibid., 226.

⁴⁵ Ibid., 226-227.

Barrett in 1972 brought new policy priorities and had a significant impact on ministry structures and policy outputs. Barrett said later that his policy was to delegate power to cabinet ministers.⁴⁶

Ruff then argues that BC became less insular with the election of Bill Bennett in 1975, and by 1982 had adopted an “Ottawa-style centre” with new tools to keep an eye on policy coordination such as a chief of staff, a deputy minister to the premier, and a secretary to the cabinet.⁴⁷ He shows this structure provided direct support to the premier and cabinet and has been retained by Bennett’s eight successors to 2005.⁴⁸ However, Ruff argues that Bill Vander Zalm, Bill Bennett’s successor who took office in 1986, offered a “populist style” that shows that the administrative strategies developed by Bennett “were not immune to the impact of the different leadership styles of the various premiers.”⁴⁹ He argues Vander Zalm had a leadership style that resulted in controversies like the sale of the Expo Lands and the sale of Vander Zalm’s Fantasy Garden World amusement park, which “forced” his 1991 resignation.⁵⁰ Ruff then argues Mike Harcourt’s government adopted a “chairman of the board” governing style described as “‘the premier in a plexiglass bubble’ with a detached splendid isolationism.”⁵¹ With this isolationism, Harcourt’s premiership ended in disgrace in 1996 with the so-called Bingo-gate scandal.⁵² In this thesis, we see the effects of not only these different leadership styles and cabinet organization strategies but also the Fantasy Garden World scandal, which was caused by a 1987 cabinet appeal for ALR land south of this property.⁵³

⁴⁶ Ibid., 227.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid., 228.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Government of British Columbia PC. Order in Council 1618-1987.

Ruff shows how cabinet and cabinet committee structures have changed over time in British Columbia, noting that the development of staff support has run parallel to the growth of cabinet: from seventeen ministers in 1967 (fourteen salaried), to twenty-three (nineteen salaried) in 1973 to twenty-eight in 2001.⁵⁴ He notes that there were two “fledgling” statutory cabinet committees in 1972 and that the Harcourt government redesigned the 1980s cabinet committee structure.⁵⁵ Ruff does not mention the Environment and Land Use Committee by name here, only noting a “Environment and Resource” cabinet committee in a chart.⁵⁶ Though this extends our understanding of the general cabinet committee structure there is not yet an account of how the committees themselves changed over time. This thesis begins to do this by looking at the ELUC’s composition.

The third focus of this thesis is ALR scholarship. There is a long line of scholarship dealing with the ALR; some looks at the legislative history of the ALR and some at the appeals. And while there are general ideas about the location of land removed from the ALR, this scholarship does not deal substantively with specific places of British Columbia affected by cabinet appeals. Paul Tennant, writing in 1977, argued the NDP government of Dave Barrett was elected in 1972 without clear policy priorities and that it lacked staff agencies and firm leadership, which meant policy development tended to work on the separate and individual initiatives of this cabinet’s “more forceful ministers.”⁵⁷ He argues that, with the NDP’s defeat in 1975, the new Social Credit government of Bill Bennett introduced planning and coordination at the cabinet level.⁵⁸ Tennant also contrasts the Barrett cabinet’s governing style with that of the

⁵⁴ Ruff, “The West Annex,” 236.

⁵⁵ Ibid.

⁵⁶ Ibid., 237.

⁵⁷ Paul Tennant, “The NDP Government in British Columbia: Unaided Politicians in an Unaided Cabinet,” *Canadian Public Policy* 3 no. 4, (1977): 489.

⁵⁸ Ibid. 490.

earlier W.A.C. Bennett Social Credit cabinet, which was effectively run by Bennett alone. He argues that the Barrett government was “content” to leave BC’s cabinet “identical” to what it was under Bennett but without Bennett’s forceful leadership the Barrett cabinet operated without a planning capability, becoming a bargaining centre lacking a collective view of overall government problems.⁵⁹

Tennant also shows that although the NDP’s introduced ELUC, its “actual origin rested not with the NDP but, ironically, with the previous government’s *Environment and Land Use Act* of 1971.”⁶⁰ He argues the NDP’s development of the ELUC and the ELUC Secretariat shows the latitude afforded more powerful ministers too; in both cases, the NDP’s Minister of Lands, Forests, and Water Resources, Robert Williams, was the one who “recognized its potential.”⁶¹ However, he argues because the ELUC Secretariat was “not linked with the cabinet” but to Williams, the minister, the Secretariat was “not regarded as an agency of cabinet”—thus, as he argues, the Barrett government had a “lack of concern over inter-departmental planning and coordination.”⁶²

Building on Tennant’s work, I argue that one needs to understand how the ELUC started under W.A.C. Bennett’s government before the ALR and how, with each government that followed, its membership changed—so that one can understand how additional ministers, with all their competing land use and political demands, adjudicated ALR appeals. In addition to contributing to scholarship on cabinet function, this thesis also furthers our understanding of local government in British Columbia. There are “essentially four levels of government” that interact on ALR appeals: municipalities, regional districts, the ALC, and the provincial

⁵⁹ Ibid., 492.

⁶⁰ Ibid., 498.

⁶¹ Ibid., 499.

⁶² Ibid.

government.⁶³ Regional districts, for example, were formed in 1965 with amendments to the *Municipal Act* by W.A.C Bennett's government and each one defined its priorities on a case-by-case basis.⁶⁴ Why? Because there was no single set of responsibilities outlined for the districts in this legislation—these new administrative bodies got the functions they needed as they grew.⁶⁵ The responsibilities of regional districts appears to have been formalized somewhat with the *Land Commission Act, 1973*, as regional districts had new defined functions under the act, as did municipalities, the ALC, and the cabinet.⁶⁶ The new functions each level of government had under this new act are explained in chapter 2, and we see through cabinet appeals these functions being used in chapter 2, 3, 4, and 5.

Andrew Petter, writing in 1985 in response to Tennant, agrees that the Barrett government did not have an “institutional mechanism to co-ordinate policy and control expenditures” but that fact did not undermine its capacity to implement policy.⁶⁷ He argues this is because the legislation governing the ALR was not repealed after the NDP government's defeat by Social Credit in 1975.⁶⁸ By 1973, 20% of all arable land in the Fraser Valley had been lost to

⁶³ Nixon and Newman, “The Efficacy and Politics,” 233.

⁶⁴ Robert W. Collier, “The Evolution of Regional Districts in British Columbia,” *BC Studies* no. 15, (Autumn 1972): 33-34.

⁶⁵ *Ibid.*, 34.

⁶⁶ For an example, regional districts were required to submit a “land reserve plan,” subject to approval by the Commission and the cabinet, which were an innovation under the *Land Commission Act*. These plans were to clearly set out where the areas in a regional district or municipality that were included in the ALR. Please see: *Land Commission Act* S.B.C. 1973, c 46, ss 8(2); 1.

⁶⁷ Petter, “Sausage Making,” 3-4.

⁶⁸ Petter says of Tennant's work: “as Tennant observes, the Social Credit government in its first term following the defeat of the NDP ‘accepted the policy outcomes of the NDP’ and continued ‘every one of the policy-making and regulatory agencies established by the NDP.’” Petter then observes that “it is, of course, true that a number of NDP policies and agencies have since been altered or abandoned, particularly in past two years, although it is also true that a number, such as the *Land Commission* and the Insurance Corporation of British Columbia, have remained largely untouched since 1975.” Please see: *Ibid.*, 4. Petter was appointed “Ministerial Executive Assistant to the Minister Without Portfolio (Housing),” which was rescinded upon election the election of Social Credit in late 1975. See: Government of British Columbia PC. Order in Council 2193-1973, 1. Government of British Columbia PC. Order in Council 3830-1975, 1-2. Petter was appointed to the ELUC of Mike Harcourt's government in 1991. Please see: Government of British Columbia PC. Order in Council 1388-1991, 1.

“residential and urban development” and another 3,000 acres were being lost annually.⁶⁹ Before the legislation was implemented, Petter argues that the NDP Minister of Agriculture Dave Stupich made some alarming statements to the press about the government’s goals for farmland preservation without informing either premier Barrett or other cabinet colleagues, thereby attempting to push a farmland preservation programme through the legislative process quickly.⁷⁰ Petter argues this could be seen as an effective way to legislate,⁷¹ whatever cabinet colleagues thought of it, because it set the government into undertaking a farmland preservation scheme. He also explains that there were Ministry of Agriculture proposals for something like the ALR that were already written during W.A.C. Bennett’s ministry but these proposals were “too politically hot” for Bennett, so instead his government established a \$25 million greenbelt fund instead.⁷²

Petter also goes through a draft-by-draft analysis of the *Land Commission Act, 1973*, explaining the implications of the various drafts and the changes made during the bill’s presentation to the legislature.⁷³ Very significantly here for ALR appeals, he writes that “probably the strongest criticism” of one draft presented to the legislature was its failure to provide for an appeal process.⁷⁴ Petter’s work is definitive on the development of the *Land Commission Act* and its structure. This thesis adds to Petter’s work by showing, in the day-to-day administration of the act, how the appeals worked and how they could be manipulated.

⁶⁹ Petter, “Sausage Making,” 5.

⁷⁰ Ibid., 8-13.

⁷¹ George M. Abbott has made a similar point regarding Gordon Campbell’s BC Liberal government. As he says: “Campbell’s remaking of government got under way quickly. One day after being sworn into office, the newly minted premier announced a 25 percent personal income tax cut, potentially relinquishing over \$1 billion in tax revenue. He believed, on the basis of the experience of other jurisdictions, that a tax cut would generate economic growth and induce concomitant revenues. The day-one tax cut proved to be, in Christopher Pollitt’s words, prescription before diagnosis: implementation of important public policy reforms without the benefit of thorough analysis, typically by politicians who are driven by ideological zeal.” George M. Abbott, *Big Promises, Small Government: Doing Less with Less in the BC Liberal New Era*, (Vancouver, UBC Press, 2020), 7.

⁷² Ibid., 7; 13.

⁷³ Ibid., 13-30.

⁷⁴ Ibid., 29.

Christopher Garrish's work on the first thirty years of the ALR's history calls Tennant's article the "definitive work" for the "general evaluation of NDP policy structures from 1972 to 1975" and calls Petter's work an "apologetic response" to Tennant's article—though Garrish does accept Petter's argument that the *Land Commission Act* "became an effective and enduring piece of legislation," regardless of process.⁷⁵ Garrish argues that the impact of reforms passed in 1977 by the Social Credit government of Bill Bennett were "unmistakable," as the Land Commission's mandate was "determined to be a much simpler form of preserving agricultural land."⁷⁶

In the original legislation, decisions on the exclusion of land from the ALR were the *sole responsibility* of the commission, with the option of appeal to the [ELUC] available only on the recommendation of two commissioners. *What troubled the Socreds*, however, was the inability of an individual affected by a commission decision to appeal directly to an elected body. Under the *Land Commission Amendment Act*, this provision remained in force but when an appeal was not granted by the commission an individual could now apply directly to the minister of environment for leave to appeal to cabinet.⁷⁷

As Garrish continues: "many of the current problems that plague the ALC find their roots in the legislative amendments that accompanied these decisions" and caused fear that removing land from the act's provisions would become simple, since these removals could occur against the wishes of the Commission charged with responsibilities under the act and local governments.⁷⁸ He then discusses two "high profile" appeal-related political scandals involving cabinet appeals, ones that went around "the ALC's decision-making process" which he says proved to be the *most significant developments* of Social Credit's changes to the legislation in 1977.⁷⁹ This thesis

⁷⁵ Garrish, "Unscrambling the Omelette," 36. The number of breakfast-related titles in ALR scholarship makes one want breakfast.

⁷⁶ *Ibid.*, 44.

⁷⁷ [Emphasis added]. *Ibid.*, 44-45.

⁷⁸ *Ibid.*, 44-45.

⁷⁹ *Ibid.* Garrish then discusses two such scandals: the Spetifore lands scandal in Tsawwassen and the Gloucester Properties in Langley and the Interior. *Ibid.*, 45-46.

extends Garrish's work by digging into these appeals further and demonstrating that the appeals process was frequently used for political advantage.

Recently, there has been more focus on specific appeals; this thesis contributes to this scholarship by explaining some of the particular areas around British Columbia affected by them. Stobbe et al., writing in 2011, argue that Garrish's work, and ALR scholarship broadly, "effectively outlines the historical context for the ALR" but that "no one has yet examined the factors that are associated with the outcomes of proposed exclusion applications."⁸⁰ Using Geographic Information System (GIS) technology and a "binary choice (logit) model," for two areas of the province, the Saanich Peninsula on Vancouver Island and around Abbotsford in the lower mainland, they show why applications to remove land from the ALR are approved from 1973 to 2006.⁸¹ They find that applications for exclusion are more likely to be approved when land is closer to a major highway, has a smaller parcel size, consists of a smaller portion of the total parcel area, or has poorer quality soils.⁸² This is useful because it begins to provide the site-specific analysis of exclusion applications through maps and through site-specific historical elements, for example the distance between an area under appeal and the Patricia Bay and Trans-Canada highways.⁸³ On an aggregate basis these help us understand the decisions of the ALC, the ELUC, and the cabinet, but they do not yet tell us much about the land under appeal or which parts of the act were used to get land removed from the ALR.

⁸⁰ Stobbe et al., "Farmland Preservation Verdicts," 559.

⁸¹ For the binary choice approach and purpose of this work, see: Ibid., 555; for the locations of study and dates of study, see: Ibid., 560.

⁸² For maps showing exclusion appeals' distance to the two highways, see: Ibid., 555.

⁸³ For Stobbe et al. discussing the Trans-Canada and Patricia Bay Highways, see: Ibid., 563.

A more site-specific approach to these appeals is adopted by Denver V. Nixon and Lenore Newman in their 2016 article but I am not convinced it is entirely effective.⁸⁴ Nixon and Newman provide “an analysis of the efficacy” of the ALR in southwestern BC, “the most densely populated area in the province.”⁸⁵ They use digitized maps to show what areas have been excluded, included, and retained in the ALR from 1974 to 2012.⁸⁶ Their results “indicate that the ALR has been relatively successful in protecting farmland, though a concerning five percent of the original reserve has been lost in the study area.”⁸⁷ Their work “echoes Stobbe et al. in challenging circulating beliefs about the state of the ALR,” and in its consideration of an area of Metro Vancouver and the southwest Fraser Valley Regional District.⁸⁸ Nixon and Newman detail some *specific examples* of ALR exclusions in their study area.⁸⁹ Their work is concerning because they note that background information on cabinet appeals were not available from the ALC.⁹⁰ This is odd because all the information one could possibly need (or want) on these appeals from 1973 to 1993 is available from the BC Archives Cabinet Committee Meeting Case Files.⁹¹ However, their specific examples are interesting because it gets one closer to the site-specific analyses of these appeals I do here. As they say of the Spetifore appeal in Delta:

In 1981 the Environment and Land Use Committee (ELUC) ignored ALC recommendations and removed the 142 ha Spetifore Farm from the ALR in Tsawwassen, Delta, concluding that the soil salinity and urban proximity of the land was inappropriate

⁸⁴ Nixon and Newman, “The Efficacy and Politics” 227-240. I am not going to go through a play-by-play of what they cite and why—one can read it. They cite Stobbe et al.’s 2011 work eight times and Garrish’s 2002/03 work fourteen times. For the citations of Stobbe et al., see: Ibid., 228, 229, 234, 238. For the citations of Garrish, see: Ibid., 228, 229, 231, 234, 236, 237, 238. Petter is also cited, but not as regularly as Stobbe et al. and Garrish, see: Ibid., 228, 236, 238.

⁸⁵ Particularly for Abbotsford, Barnston Island, Bowen Island, Burnaby, Chilliwack, Coquitlam, Delta, Langley, and Richmond. See Ibid., 228-229.

⁸⁶ Ibid., 228.

⁸⁷ Ibid., 227.

⁸⁸ For Nixon and Newman’s echoing of Stobbe et al., see: Ibid., 229. For the general locations, see: Ibid., 227.

⁸⁹ Ibid., 231-233.

⁹⁰ Ibid., 231. “Materials on the background of the ALR exclusions were not available from the ALC. What follows are brief analyses of five exclusions, drawn from academic and mass media sources, so as to exemplify some dimensions of the exclusions process.”

⁹¹ See: BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676.

for agricultural use, though some suggested that political affiliations played a role. However, the development plan was shelved when a vast majority of Tsawwassen residents actively opposed it.⁹²

There remains one significant hole in the important work already undertaken by Tennant, Petter, Garrish, Stobbe et al., and Nixon and Newman: we do not know much about specific areas under appeal. What was proposed there? What was built? What was near it? What evidence was used? What section of the act was used? Who decided it? This thesis shows how some of the specific areas of British Columbia changed because of an ALR appeal. By bringing in site-specific history for areas under appeal one draws “attention to ordinary British Columbians ways of being”⁹³ by recognizing that these appeals are not just dots on a map: they are the places where British Columbians live, work, recreate, farm, and shop on—and they are all around the province.

This thesis is structured into five chapters: the first one, before these appeals begin, focuses on the creation of the Environment and Land Use Committee under W.A.C. Bennett’s last government in 1969 and some of this government’s environmental record. The second chapter is about the creation of the ALR by Dave Barrett’s government and the limited cabinet appeal role the ELUC and cabinet gained through the *Land Commission Act, 1973*. The third, fourth, and fifth chapters focus on the expansion of cabinet appeals during the ministries of Bill Bennett and Bill Vander Zalm, and the elimination of appeal to cabinet when they were shifted to the ALC during Mike Harcourt’s government. Only appeals that occurred in Vancouver Island, the Okanagan Valley, and the lower mainland are considered—though certainly not every appeal is dealt with in these areas. In these last three chapters pertinent legislative changes for the ALR

⁹² Nixon and Newman, “The Efficacy and Politics,” 231.

⁹³ Jean Barman, “The Many Ways of Seeing British Columbia,” *BC Studies* no. 200, (Winter 2019): 163.

are briefly described and then we dive into appeals that occurred in these three areas. A brief conclusion follows the final chapter.

This thesis is important because while a long line of ALR scholarship has explained how the legislation governing the ALR works and has changed and suggested reasons that cabinet appeals occur, there is not yet adequate work on the land itself that was affected by a cabinet appeal. We also do not yet have an account of how the different types of appeal worked. The legislative histories on the ALR do not yet effectively discuss the appeals and scholarship on the appeals does not adequately deal with legislative history. This thesis is different because it brings these two pieces of ALR scholarship together into one.

Chapter 1: The Environment and Land Use Committee's Formation and Early Years: 1969-1972

In July 1969, W.A.C. Bennett's cabinet approved an order to establish a new cabinet committee, the Environment and Land Use Committee (ELUC), to "encourage in a positive manner an over-all land use policy to accommodate...the orderly and integrated use of Crown lands within the general concept of multiple use."¹ Ray Williston, Bennett's Minister of Lands, Forests and Water Resources² since 1956, was this committee's first chairman and one of Bennett's "most trusted cabinet colleagues."³ Only Williston and three other cabinet members were present when the ELUC order passed—even the premier was absent.⁴ This chapter argues that this cabinet committee was a new way for the notoriously centralized Bennett government to deal with government policy because of its capacity to hold public hearings; it also shows that this new cabinet committee had a strong mandate to protect the environment.

Bennett dominated BC politics.⁵ He concurrently served as BC's Minister of Finance for most of his twenty years as premier, taking on this role after the Finance Minister Einar Gunderson lost in the 1953 election.⁶ So, "rather than appoint someone else as minister of finance and have to convey his philosophy of balanced budgets and debt repayment, Bennett... was also Minister of Finance."⁷ The dual-premier and finance minister was scrupulous in the latter capacity: he personally approved all cabinet ministers' budgets and even after these budgets

¹ Government of British Columbia PC. Order in Council 2300-1969. 1.

² This combined ministry, with each individual ministry being separate yet combined into one ministerial portfolio, existed in this form from 1962 to 1976 when it was renamed and reorganized into the new Environment Ministry. Please see: *Department of Lands and Forests Amendment Act* S.B.C. 1962, c 22, s 4. See also: *Government Reorganization Act* S.B.C. 1976, c 18, s 3.

³ David J. Mitchell, *W.A.C. Bennett and the Rise of British Columbia*, (Vancouver: Douglas & McIntyre, 1983), 301.

⁴ Government of British Columbia PC. Order in Council 2300-1969. 1.

⁵ Stephen Tomblin, "W.A.C. Bennett and Province-Building in British Columbia," *BC Studies* no. 85, (Spring 1990): 47.

⁶ Mitchell, *W.A.C. Bennett and The Rise*, 203.

⁷ *Ibid.*, 204.

were approved he only released money in quarterly amounts. If a minister was “over” before the next quarter, the minister had to explain where they were going to get the money from, all of this to keep his ministers “in line.”⁸ Not even lunches were paid out of the public purse.⁹ As such, all decisions of importance were generally “made by Bennett alone, in accordance with the ‘Keep it Simple, Stupid’ (KISS) sign that hung in his office.... [H]is cabinet met without officials present. No minutes were kept. Cabinet ministers had no political staff. There were no communications or public relations staffs. It was a one-man government. Travel and even long-distance telephone calls were approved at the top...Bennett’s caucus was happy to sit back and let him run the show.”¹⁰

Since he took all decisions himself, the legislature was not of great use to W.A.C. Bennett. The legislature sat for only thirty-eight days in the 1950s and forty-five days in the 1960s. Since Bennett believed only cabinet ministers were full time politicians, MLAs were expected to go back to their regular jobs at the end of a parliamentary sitting: even the elected representatives were not *really* part of the policy process.¹¹ BC also had no *Hansard* of its proceedings; no question period; but it did have around-the-clock legislation-by-exhaustion sittings during Bennett’s premiership.¹² The legislature’s rules, from 1920, remained in place while Bennett led the province.¹³ Finally, there were no offices provided at the legislature, not even for governing party backbench MLA’s.¹⁴ That the ELUC was formed without Bennett’s

⁸ Eileen Williston and Betty Keller, *Forests, Power, and Policy: The Legacy of Ray Williston*, (Prince George, BC: Caitlin Press, 1997), 94.

⁹ *Ibid.*, 75.

¹⁰ Geoff Meggs and Rod Mickleburgh, *The Art of the Impossible: Dave Barrett and the NDP in Power, 1972-1975*, (Madeira Park, BC: Harbour Publishing, 2012), 22-23.

¹¹ *Ibid.*, 22, 24.

¹² *Ibid.*, 23-24.

¹³ *Ibid.*, 23.

¹⁴ *Ibid.*, 24.

presence, and did not include him in its membership, is a remarkable exception for his government.

What was Ray Williston thinking establishing the ELUC, given the provincial political culture that was built solely around the premier and finance minister? For all the remarkable molding of the province's political culture around Bennett, he gave some leeway in how his ministers handled their portfolios: "we were completely responsible for our own actions,"¹⁵ as Williston says. Williston had practical concerns when establishing the ELUC; he worried that environmental stewardship was decided by the ad hoc operations of individual ministries and thought that environmental policy "had to be incorporated into the agendas of every government department and carried out by every one of that department's workers."¹⁶ These are useful points when considering the committee's membership:

The operations of the Ministry of Forests provided him with a precedent. Forest rangers were already responsible for carrying out environmental policy in every forested acre of the province: if a logging road was poorly constructed or a logging site was suffering erosion, the ranger had the power to order the situation rectified immediately. It seemed to Ray, therefore, that all the people who were in charge of developments should become part of an environmental committee to control it.... It was composed of all government ministers who had *anything* to do with the environment.¹⁷

These ministers were Williston at Lands, Forests and Water Resources; Agriculture; Recreation and Conservation; Mines and Petroleum; and Municipal Affairs.¹⁸ Health was added in 1971.¹⁹

The ELUC could hold public hearings "as a means of gaining the proper understanding of the problems involved and to assist in reaching proper conclusion" and it was also able to appoint a

¹⁵ Williston and Keller, *Forests, Power, and Policy*, 94. Williston reports that after he moved to the portfolio in 1956 that he "became the bane of all other ministers whenever there was a bad forest fire year" because he spent millions of dollars he did not have and when W.A.C. Bennett found out about such things he reduced the budgets of all other ministries to compensate for the lost revenue. See *Ibid.*

¹⁶ *Ibid.*, 244.

¹⁷ *Ibid.*, 244-245.

¹⁸ Government of British Columbia PC. Order in Council 2300-1969. 1.

¹⁹ Government of British Columbia PC. Order in Council 1349-1971. 1.

technical committee (the aptly named Environment and Land Use Technical Committee, or ELUTC) of deputy ministers from each constituent ministry to study matters the ELUC referred to it.²⁰ In turn, the ELUTC had the authority to appoint persons other than civil servants (that is, professionals) to sub-committees “so that the most knowledgeable and representative persons can be obtained on the specific matter under review.”²¹

The ELUC is significant for its eventual role in hearing cabinet appeals for the ALR, but this government also passed two important acts that were significant for cabinet appeals and the ALR: the *Environment and Land Use Act, 1971*, and the *Green Belt Protection Fund Act, 1972*.²² It is important to understand the purposes of these two acts.

The *Environment and Land Use Act, 1971* formalized the ELUC’s duties. The ELUC now had a strong mandate to protect the environment. The act allowed the cabinet, on the ELUC’s recommendation, to make such orders respecting the environment, or land use, as it considered necessary, and the cabinet could make such orders *notwithstanding any other Act or regulation* (this includes BC’s *Constitution Act!*)²³ The act was called “the keystone for all legislation dealing with environmental and pollution control” by an officer in the Lands, Forests and Water resources bureaucracy.²⁴ British Columbians still know the *Environment and Land Use Act* well:

²⁰ Ibid., 2

²¹ Ibid. Upon election in 1973, the Barrett government used this provision to create the ELUC Secretariat, the management and staff arm of the ELUC, to support “integrated resource management”. Please see: Bob Williams, Ben Isitt, and Thomas Bevan. *Using Power Well: Bob Williams and the Making of British Columbia*. (Gibsons, BC: Nightwood Editions, 2022), 122. Also see: Government of British Columbia PC. Order in Council 1643-1973, 1. Government of British Columbia PC. Order in Council 2806-1973, 1. This is discussed more in chapter 2.

²² These are dealt with in the following order: *Environment and Land Use Act* S.B.C. 1971, c 17; and then the *Green Belt Protection Fund Act* S.B.C. 1972, c 24.

²³ *Environment and Land Use Act* S.B.C. 1971, c 17, s 6.

²⁴ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0013, File 3, “Letter from R.A.V. Jenkins, administrative officer in Department of Lands, Forests and Water Resources, to Professor Greg Morley,” in [General File no. 5: April 1973-January 1974, ELUC, 1973-1974], 1.

in May 2024 David Eby's government passed an order under section 7 of the act to prohibit jade mining in Northwestern BC.²⁵ The pertinent section of the act read in 1971 as follows:

6. The Lieutenant-Governor in Council, on the recommendation of the committee, may make such orders respecting the environment, or land use, as he may consider advisable, and he may make such orders under this Act, notwithstanding any other act or regulation, and no Minister, department of Government, or agent of the Crown specified in the order shall exercise any power granted under any other Act or regulation except in accordance with the order.²⁶

The section Eby's government used to restrict jade reads effectively the same as it did in 1971:

7 (1) On the recommendation of the committee, and despite any other Act or regulation, the Lieutenant Governor in Council may make orders the Lieutenant Governor in Council considers necessary or advisable respecting the environment and land use.

7 (2) A minister, ministry or agent of the Crown specified in an order under subsection (1) must not exercise a power under any other Act or regulation except in accordance with the order.²⁷

The ELUC could also create programs to educate the public, it had a procedural duty to consider all aspects of the natural environment in the administration of land use and resource development, it could recommend items to the cabinet if the cabinet wished, it could study issues, and it could prepare reports.²⁸ The act appears to have been inspired by broader Canadian concerns, like the Canadian Bar Association's resolution calling for the establishment of departments of the Environment in each province and a body that would be able to review the environmental policy of other ministries. This was something the ELUC, with its broad authority, had.²⁹

²⁵ Government of British Columbia PC. Order in Council 242-2024, 1.

²⁶ *Environment and Land Use Act* S.B.C. 1971, c 17, s 6.

²⁷ *Environment and Land Use Act* R.S.B.C. 1996, c 117, s 7.

²⁸ *Environment and Land Use Act* S.B.C. 1971, c 17, s 3.

²⁹ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0011, File 22, "Enclosure to Letter sent by A.J. Eddy, Executive Secretary of the Canadian Bar Association, sent to Ray Williston," in [Environment and Land Use Committee Act [Study no. 15: ELUC, 1971], 1. A separate "Environment" ministry was not created until 1976. See also: *Government Reorganization Act* S.B.C. 1976, c 18, s 3.

The *Environment and Land Use Act* also formalized the Committee's public hearing powers. It said:

4. The committee may
 (a) hold a public inquiry whenever it appears to the committee that the proper determination of any matter within its jurisdiction necessitates an inquiry, and, for that purpose, the chairman of the committee or a member of the committee authorized by the committee to hold a hearing has all the powers and jurisdiction of a Justice of the Peace under the *Summary Convictions Act*.³⁰

Though the ELUC could hold public hearings from its 1969 creation to 1971, the order only said: "...to carry out its responsibility, the Land Use Committee is empowered to hold public hearings, as a means of gaining the proper understanding of the problems involved and to assist in reaching proper conclusions."³¹ These hearings were still new for Bennett's government in 1969 and in 1971 because they were not the usual way environmental decisions were taken. Normally they were taken with little public feedback. After all, the Social Credit slogan of the 1960s was: "the government that gets things done."³² Public feedback was normally minimal, especially for decisions that affected agricultural land: the damming of the Columbia River caused the flooding of an estimated 40,000 acres of farmland and displaced about 2,000 people despite the fact that "most residents" of the affected area, including in Syring Creek, Renata, Deer Park, Edgewood, Burton, Fauquier, Carrols Landing, East and West Arrow Park, and Nakusp were "against it."³³ The chambers of commerce of Kelowna, Nakusp, and Revelstoke asked the project be deferred.³⁴ And when residents of the river valley did voice concerns, they complained of being ignored

³⁰ *Environment and Land Use Act* S.B.C. 1971, c 17, s 4a.

³¹ Government of British Columbia PC. Order in Council 2300-1969, 1.

³² "Keep B.C. Moving: Seven Greatest Years are Just Ahead! [Advertisement,]" *Vancouver Sun*, September 13, 1963, 14: "Look at the evidence of progressive government in this province. Look at our booming economy that breaks records year after year. This is the record of the government that gets things done. Be sure with your vote on September 30th. Vote for your Social Credit candidate. [Do not] take good government for granted...return the government that gets things done!"

³³ "Arrow Lakes People Feel Sold Down the River to U.S.," *Vancouver Sun*, April 14, 1960, 3.

³⁴ "3 Centres Join Protest Against Dam," *Vancouver Sun*, December 1, 1960, 22.

because decisions were taken before they could make their opposition known.³⁵ Damming the Peace River, meanwhile, caused the “death” of the river near Lake Athabasca in Alberta “without so much as an attempt” being made by the provincial or federal governments to investigate in advance how the dam would affect downstream communities.³⁶ A member of the University of British Columbia’s law faculty even cited the Peace River dam project as an example of “government self-interest” and a reason for why “more statutes must provide for policy hearings before natural resource developments are authorized, and effective hearing procedures must be developed to ensure the proper representation of environmental interests.”³⁷ In Delta, the expropriation of thousands of acres of agricultural land for a superport there was done without consultation.³⁸ When feedback on what route the rail link to the port should take was sought, Bennett told delegates to be brief; and delegates were surprised to learn the hearing was not public.³⁹ A Richmond Social Credit MLA said the closed hearing represented a breakdown in the government’s relations with the public.⁴⁰ Perhaps these three controversies swirling around Bennett’s government in the 1960s were the reason why public hearings were included in the *Environment and Land Use Act*. Such hearings were so new for environmental policy that the government had a file on how they worked.⁴¹ The file outlines that it is the “complete discretion” of the ELUC to hold a public inquiry and that if any person, company, or group would be

³⁵ “Columbia Hearing Declared Futile,” *Vancouver Sun*, December 2, 1961, 3.

³⁶ Jes Odam, “Death of a Delta: Bennett Dam Halts Flooding of Alberta’s Athabasca Region, scientists Charge. Result: Livelihoods of 1,300 People Threatened, Ecological System Doomed,” *Vancouver Sun*, July 18, 1970, 6.

³⁷ “Anti-Pollution Statues Urged,” *Vancouver Sun*, October 28, 1970, 18.

³⁸ The land in Delta was expropriated for the Roberts Bank Superport and then a three-person arbitration board was set up to determine a price per acre for the 2,000 acres of expropriated agricultural land. Please see: “Investors Discussed at Delta Hearing: ‘BC Safe Place to Stash Money’” *Vancouver Sun*, July 4, 1969, 8. See also Petter, “Sausage Making,” 6.

³⁹ “Public Barred From Rail Hearing,” *Vancouver Sun*, October 22, 1968, 1.

⁴⁰ *Ibid.*

⁴¹ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0013, File 20, [Public Hearing Guidelines and General [ELUC]].

affected by an ELUC decision, those parties had a right to be heard by the Committee.⁴² Legally, ALR appeals were public hearings pursuant to the *Environment and Land Use Act*.⁴³ The act made ALR appeals work.

The second important environmental act of W.A.C. Bennett's government was the *Green Belt Protection Fund Act, 1972*.⁴⁴ The purpose of this act was to encourage the establishment and preservation in perpetuity of areas of land known as greenbelts.⁴⁵ A committee comprised of Ray Williston at Lands, Forests and Water Resources, as chair, William Kiernan at Recreation and Conservation, and their two respective deputy ministers, A.C. Kinnear and L.J. Wallace, advised Bennett on land purchases under the fund.⁴⁶ The act shows that the idea of saving land from development long-term was already established in British Columbia before the ALR. The government had "insufficient time to prepare full guidelines for all detail in how this [act would] be administered" but sought to include "suitable land along the major highways in the province," mostly in the Lower Mainland and on Vancouver Island. "This land should be farmland, scenic land, or land that has other particular characteristics."⁴⁷

⁴² BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0013, File 20, "Memorandum of December 7, 1972, from Dennis R. Sheppard, Director, Civil Law, to A.C. Kinnear, Coordinator, Environment and Land Use Committee," in [Public Hearing Guidelines and General [ELUC], 1.

⁴³ Both the Commission and the Committee had this public hearing power. For the Commission's power see Government of British Columbia PC. Order in Council 353-1974, s 5: "For the purpose of the hearing, the commission (a) has and may exercise all the powers of a Commissioner under sections 7, 10, and 11 of the Public Inquiries Act; (b) may accept written submissions or any other form of evidence notwithstanding that it may not be evidence in a court of law; and (c) may hear representations, evidence, and opinions of any person present or represented at the hearing, and of the regional district and municipality, that are relevant to the application." See also: Government of British Columbia PC. Order in Council 353-1974, s 28: "Sections 17 and 18 apply to a hearing and review under section 27 and the words "Environment and Land Use Committee" shall be substituted for "commission", where applicable."

⁴⁴ *Green Belt Protection Fund Act* S.B.C. 1972, c 24.

⁴⁵ *Green Belt Protection Fund Act* S.B.C. 1972, c 24, preamble.

⁴⁶ Government of British Columbia PC. Order in Council 1247-1972, 1.

⁴⁷ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0013, File 2, "Letter by A.C. Kinnear to Regional District of Fraser-Fort George, June 26, 1972," in [General File No. 4: June 1972-June 1973, 1972-1973], 1-2.

One Delta councillor, writing to the ELUC's second chairman, Robert Williams, after the NDP's 1972 victory, wrote that the province still needed more legislation to protect agricultural land and that the green belt fund was inadequate because it required landowners to sell their land to the government and then have the government lease it back to them for agricultural purposes. "This type of thing," the local councillor argued, "merely [encouraged] abuses of the soil's fertility."⁴⁸ That is, making the government the designator and owner of greenbelt land was inadequate. Another way to protect agricultural land that kept it with landowners was needed.

* * *

We can summarize the foregoing information as follows: W.A.C. Bennett's government was not quite as centralized as one might think because the dual-premier and finance minister was not included in the Environment and Land Use Committee's membership. The ELUC was created in 1969 and its purpose formalized in 1971. Legislation designed to protect the environment—including the *Environment and Land Use Act* and the *Green Belt Protection Fund Act*—was a marked departure from the way legislation involving the environment was handled by Bennett's government. The ELUC brought together different ministries into one cabinet committee, giving several different ministries a stake in the development of environmental policy. It could also hold public hearings, a new thing for Bennett's government to deal with for environmental decisions in the late 1960s and early 1970s. The *Green Belt Protection Fund Act*, which saved land from development in perpetuity even before the ALR was created, had clear weaknesses in design and administration, but nevertheless underlined the Bennett government's commitment to saving land from development.

⁴⁸ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0013, File 2, "Letter from Alderman George Turnbull, Delta Councillor, to Robert Williams, ELUC Chair," in [General: File no. 4: June '72-June '73: ELUC, 1972-1973], 1.

Chapter 2: The Barrett Government's Passage of the *Land Commission Act, 1973*, and The Creation of Limited Cabinet Appeals: 1972-1975.

The August 1972 election was a “surprise” to British Columbia, as the New Democratic Party, headed by Dave Barrett, won a majority government.¹ With the majority, this government passed the *Land Commission Act, 1973*, which established an administrative tribunal whose members were appointed by the provincial cabinet; each government since then has selected its own appointees for the Commission.² The Commission was primarily there to protect agricultural land included in the ALR for ‘farm use’ and encourage the establishment and maintenance of family farms.³ Important sections of the act are explained in this chapter. This chapter argues that cabinet appeals for the *Land Commission Act, 1973* were meant to be limited, as will be clear from an analysis of the act and in one the first appeals for the release of ALR land.

The morning after the NDP defeated Social Credit in the 1972 provincial election, premier-designate Dave Barrett wanted lunch, and he wanted it with Robert Williams,⁴ his one-time high school classmate and 1969 BC NDP leadership opponent, as well as the Opposition critic for Ray Williston’s Lands, Forests and Water Resources ministry.⁵ Williams was now taking up a new role: being Barrett’s closest cabinet minister.⁶ Barrett wanted to discuss planning

¹ Richard Dolman, “B.C. Credit Excellent: Financiers Shrug off NDP Quick Rise to Power,” *Vancouver Sun*, September 1, 1972, 23.

² *Land Commission Act* S.B.C. 1973, c 46, s 2.

³ *Land Commission Act* S.B.C. 1973, c 46, ss 7(1) a-b.

⁴ They lunched at the Only Seafood Café on East Hastings Street near Carrall Street in Vancouver. See: Williams, Isitt, and Bevan, *Using Power Well*, 104.

⁵ *Ibid.*, 13. As Williams says of taking on Williston’s role: “I had been our resources critic for several years and wanted Ray Williston’s portfolio. Williston had been the *heavyweight* in the Bennett cabinet; I was keen for the same job as Minister of Lands, Forests, and Water Resources. *That suited Barrett fine*. When I suggested that parks, recreation and conservation be included in my responsibilities pending our sizing up of new MLAs, he [Barrett] agreed” [emphasis mine]. Please see: *Ibid.*, 106-107.

⁶ *Ibid.*, 13.

for the new government.⁷ To prepare, Williams began scribbling out the government structure and cabinet lineup on the back of an envelope, giving himself Williston's old portfolios along with the Recreation and Conservation and Parks portfolios.⁸ Barrett approved Williams's suggestions; in fact, this discussion apparently took only about fifteen minutes: Barrett would be the premier, of course, and, like his predecessor W.A.C. Bennett, he would also be Finance Minister.⁹ It is interesting to note that the cabinet clout that Williston and Williams wielded occurred under two different premiers with two very different governing styles. Bennett's was very centralized, with power devolved *from* Bennett to ministers and Barrett's was based on the idea of ministers being "free and unfettered to roam in new directions,"¹⁰ with broad ministerial discretion being a basic job requirement.¹¹

The NDP reformed the ELUC by adding the Minister of Highways to the committee in August 1973, followed by the Minister of Industry Development, Trade, and Commerce in

⁷ Ibid., 103-104.

⁸ I believe Williams's first stint as Recreation and Conservation Minister ended in August 1973. See Government of British Columbia PC. Order in Council 2864-1973, 1. Then, it was back to Williams in November 1973 see: Government of British Columbia PC. Order in Council 3762-1973, 1. It was removed from Williams again in July 1975, see: Government of British Columbia PC. Order in Council 2424-1975, 1. And then it was back to Williams in December 1975, weeks before the NDP were defeated by Social Credit. See: Government of British Columbia PC. Order in Council 3688-1975, 1.

⁹ Williams suggested this because, as he says, "I thought Barrett as finance minister would make my life easier." Please see: Williams, Isitt, and Bevan, *Using Power Well*, 107. Barrett held the finance portfolio from 1972 until his government's twilight in 1975, please see: Government of British Columbia PC. Order in Council 3154-1975, 1. Barrett says of this dual-premier and finance minister role: "I realized Bennett had found an effective tool for monitoring and controlling government." Please see: Dave Barrett and William Miller, *Barrett: A Passionate Political Life*, (Vancouver: Douglas & McIntyre, 1995), 62.

¹⁰ Barrett and Miller, *Barrett*, 61.

¹¹ The basic thing to understand about Barrett's cabinet is that because the CCF/NDP had been in BC's political purgatory since its creation, most of the Barrett government's policy was "pent-up party policy that had been debated at conventions for forty years." This is important because, as Barrett says, it meant that most ministers were given "a single focus" and then told to run with it, come what may. See Ibid., 62-63. As Barrett says of his cabinet: "I insisted on a hands-on cabinet. There would be no delegating of political decisions to the bureaucracy. The bureaucracy was there to serve the political masters, not the other way around." See: Ibid., 61-62. This government also introduced a full *Hansard* of the legislature's debates and reformed British Columbia's legislative proceedings. Please see Ibid., 62.

February 1974, and the Minister without Portfolio (Northern Affairs) in 1975.¹² Williams spearheaded the creation of the ELUC Secretariat, the professional arm of the ELUC, which took action requests from the ELUC and the ELUTC for inter-agency policy development and sent policy back to the ELUC for consideration.¹³ In the development of the *Land Commission Act*, the Secretariat, on the direction of the Williams's ELUC, used the Canada Land Inventory's (CLI) BC assessments to determine an area's soil capability and sustainability for agriculture.¹⁴

At the new government's first cabinet meeting, Barrett stood up on the table and danced to celebrate the NDP's victory, kicking briefing papers to the floor. He then asked his cabinet colleagues: "are we here for a good time or a long time?" and, with a unanimous vote, the cabinet decided they were there for a good time.¹⁵ The cabinet wanted to get things done. Barrett had been convinced on the need to preserve farmland from redevelopment while in opposition. He had received a letter from someone concerned about W.A.C. Bennett's government's sale of part of the Cypress Bowl for a commercial skiing operation. As of 2024, the skiing operation is comprised of 600 acres of land and has 53 ski runs.¹⁶ The sale showed Barrett two things: first, that "we, as human beings, are attached to the land, the wilderness" and secondly it "synthesized" in his mind "an attitude that ultimately led to my full support of saving farmland

¹² The ELUC is neat because as ministries are added and subtracted, one can see the different priorities, in part, that each BC government has had and the different constituencies the government hoped to speak to on environmental and land use issues. Please see: Government of British Columbia PC. Order in Council 2726-1973, 1. Government of British Columbia PC. Order in Council 661-1974, 1. Government of British Columbia PC. Order in Council 1131-1975, 1.

¹³ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0024, File 6, "Schematic Diagram of ELUC/ELUCS/ELUTC Interchanges," in [Environment and Land Use Committee: Organization, Background, and Role, 1980], 2.

¹⁴ Williams, Isitt, and Bevan, *Using Power Well*, 123.

¹⁵ Barrett and Miller, *Barrett*, 61. As Barrett continues: "Under that umbrella, we discussed whether we were really going to make fundamental changes in British Columbia, or whether we would try and hang on for another term, rationalizing that we'd get the job done next time around. We agreed unanimously to strike while the iron was hot."

¹⁶ "Welcome to Cypress Mountain! On the Slopes," Cypress Mountain, last accessed August 27, 2024, <https://cypressmountain.com/visitors-guide>

through the [ALR].”¹⁷ Now in government, this priority was given to the appropriate minister: Minister of Agriculture and ELUC member Dave Stupich.¹⁸ Stupich told a Kelowna press conference in October 1972 that farmland preservation was his number one priority and that his department was preparing legislation for this priority, though he *had not* taken this to the cabinet or Barrett before announcing it to the press. Asked later about this conduct, Stupich replied he was ““doing his own thing...we did a lot that way.””¹⁹ This action caused such alarm in the real estate and agricultural communities that local and provincial governments alike were soon ““deluged”” with rezoning and subdivision applications which would have destroyed the government’s goal of protecting agricultural land; Stupich thus sought cabinet approval for the first of four pre-*Land Commission Act* orders.²⁰

Barrett’s government first passed four orders to begin restricting the unfettered development of British Columbia’s agricultural land, all before the *Land Commission Act* was passed in 1973.²¹ The first order, from December 1972, was simple: all subdivisions of farmland were prohibited and under the *Environment and Land Use Act, 1971*, all subdivisions of land deemed by ELUC suitable for agricultural cultivation were prohibited.²² Stupich made it seem to cabinet colleagues that Barrett supported this idea, but the premier was unaware this was to occur; Barrett was absent, so the Deputy Premier Eileen Dailly was presiding at this cabinet

¹⁷ Barrett and Miller, *Barrett*, 43.

¹⁸ Dave Stupich became the Minister of Finance after Barrett shuffled himself out of this job in late 1975. Please see: Government of British Columbia PC. Order in Council 3154-1975, 1. Stupich is perhaps most well-known for his role in the notorious “Bingogate” scandal that caused the resignation of Mike Harcourt as premier in 1996—even though Harcourt did absolutely nothing wrong. The scandal involved lottery funds being funnelled into Stupich’s Nanaimo Commonwealth Holdings Society, which were apparently for charity but, in fact, were for a BC NDP newspaper. Stupich plead guilty. Please see: CBC News, “Man Behind Bingogate Pleads Guilty,” *CBC News*, last updated November 10, 2000. <https://www.cbc.ca/news/canada/man-behind-bingogate-pleads-guilty-1.188366>

¹⁹ Petter, “Sausage Making,” 8-9

²⁰ *Ibid.*, 12.

²¹ *Land Commission Act* S.B.C. 1973 c 46.

²² Government of British Columbia PC. Order in Council 4483-1972. 1.

meeting.²³ The next month, cabinet approved another order: no one could develop a site, change a land use, or construct buildings unnecessary for farm purposes on farmland.²⁴ “Farmland” here meant, among other things, any land defined as such in the *Taxation Act* or in the *Municipal Act* and any farmland that had particular soil classes according to the Canada Land Inventory.²⁵ Also, no one could approve the subdivision of farmland unless authorized by the cabinet. People with an interest in farmland “aggrieved” by anything in this order could appeal to the ELUC, which could amend, rescind, or confirm this moratorium.²⁶ In June 1973, this was amended to further specify what kind of buildings were prohibited from being built on agricultural land.²⁷ From January to October 1973, the ELUC heard these appeals but in October this procedure was amended to have people appeal instead to the newly created Provincial Land Commission.²⁸ Once a “land reserve plan” that “clearly set out” the areas included in the land reserve had been approved by cabinet, the local government was removed from the provisions of these four orders.²⁹

²³ Petter, “Sausage Making,” 13. Government of British Columbia PC. Order in Council 4483-1972, 1. The ministers involved in this decision were: Dailly, Stupich, Hall, Macdonald, Williams, Strachan, King, Lorimer, Cocke, Hartley, and Levi.

²⁴ Government of British Columbia PC. Order in Council 157-1973, 1.

²⁵ *Ibid.*, 2. Petter notes, particularly on the Canada Land Inventory: “While losses of agricultural land during the twenty years preceding 1971 were offset by gains achieved through new clearing, a geographic breakdown shows that the gains were achieved in the low-yield grazing areas in the north and the interior, whereas the losses occurred in the fertile valley bottoms, the coastal plains and the river basins adjacent to the province’s urban centres—areas whose soil and climate made them ‘best suited to intensive cultivation.’ By 1973 an estimated 20 percent of all arable land in the Lower Fraser Valley—the most productive land in the province—had been lost to residential and urban development, and a further 3,000 acres were being eaten away each year. In addition, thousands of acres were being subdivided and converted into hobby farms or country estates, or held for speculative purposes... Still, the demands for farmland preservation might not have come so quickly were it not for the fact that British Columbia’s agricultural capabilities were so meagre from the start. Only 5 percent of the province’s total land mass is arable, and less than 1 percent possesses a productivity rating of Class [1].” Please see: Petter, “Sausage Making,” 5.

²⁶ Government of British Columbia PC. Order in Council 157-1973, 2.

²⁷ Government of British Columbia PC. Order in Council 1891-1973, 1.

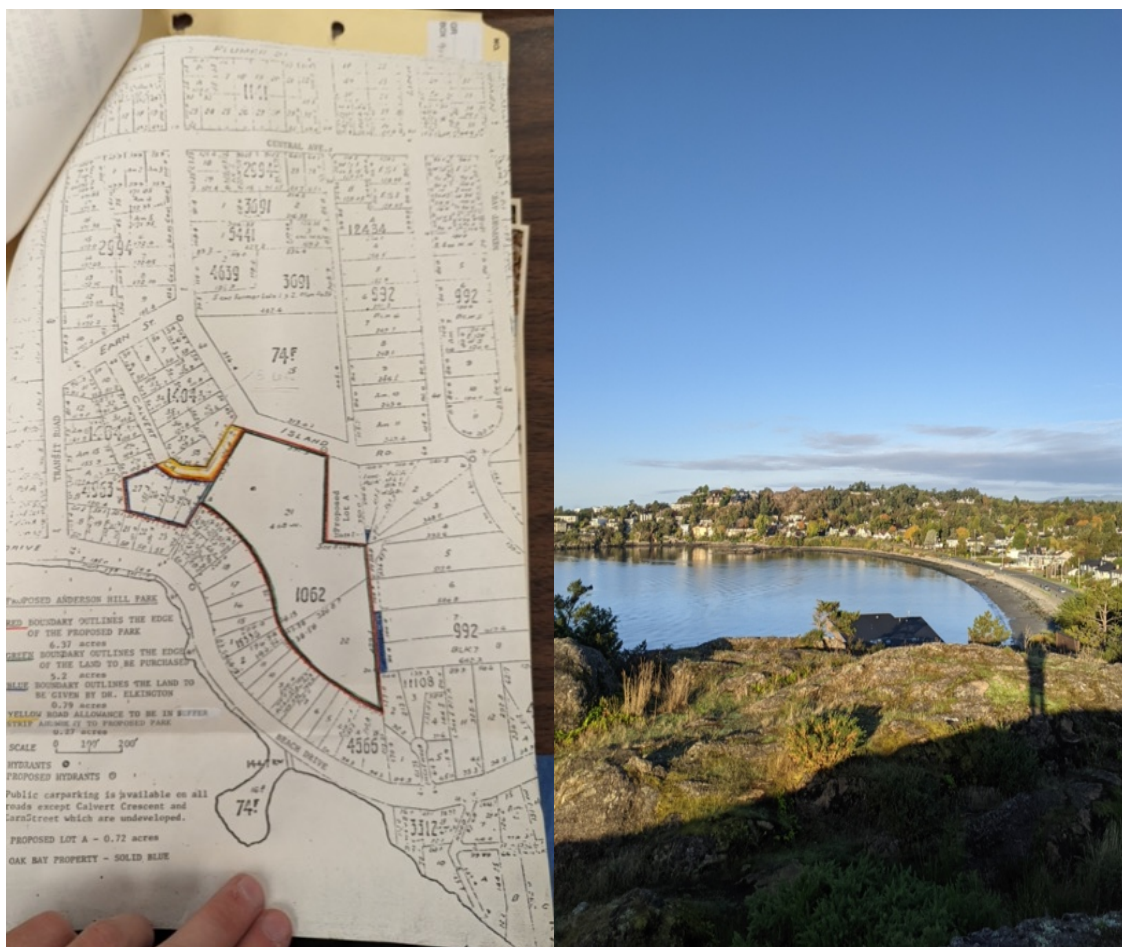
²⁸ Government of British Columbia PC. Order in Council 3539-1973, 1.

²⁹ *Land Commission Act* S.B.C. 1973, c 46, s 1. For an example, please see the Okanagan-Similkameen Regional District’s rescission from these four orders after its land reserve plan was approved: Government of British Columbia PC. Order in Council 181-1974, 1. Government of British Columbia PC. Order in Council 687-1974, 1.

The *Land Commission Act* was meant to save farmland from redevelopment. No person could use agricultural land designated as ALR for *any purpose other* than farm use unless authorized; no regional district or municipality could permit agricultural land in an ALR to be used for anything other than farm use (excepting residences necessary for farm use and the act's regulations); no new buildings could be built on ALR land except for farm use or residences.³⁰ Additionally, all land zoned as agricultural land under a municipal bylaw on or before 21 December 1972 (the day of the first farmland development order) was deemed to be in the ALR unless exempted by the Commission pending the establishment of a land reserve plan for the local area.³¹

³⁰ *Land Commission Act* S.B.C. 1973, c 46, s 10. Additionally, notations to certificates of title were to be added to land included in the act and no officers under the *Land Registry Act* or a local government's Board of Variance could permit ALR land to be used for a non-farm use. Finally, and no registrar of titles under the *Land Registry Act* could accept an application for the subdivision of land in a land reserve plan.

³¹ *Ibid.*, s 8(11).



Left: A map of Blueberry Hill, just off Island Road, presently Anderson Hill Park in South Oak Bay in the Capital Regional District, outlined in red. As part of the purchase, Calvert Crescent, outlined in yellow and which no longer exists, was purchased as a buffer zone for the park. According to this map, Earn Street, which in 2024 is a small cul-de-sac off Island Road, used to connect to Transit Road,³² Right: A picture looking west towards McNeill Bay in South Oak Bay from Anderson Hill Park in October 2021, I went to Anderson Hill Park to write an English essay about a local place. I did not know this park was created by the Commission, in part, when I wrote this essay or started researching the ALR for this thesis.

The Commission's ingenuity in Kelowna, Vernon, and the Spallumcheen Valley in the early 1970s has been detailed in other scholarship,³³ but the Commission's early ability to protect greenbelt land remains, to my knowledge, unexplored. Money from the greenbelt fund could be

³² BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0015, File 4, "Enclosure to Letter of October 10, 1974, from W.T. Lane, Chairman of the British Columbia Land Commission, to The Honourable R.A. Williams, Minister of Lands, Forests, and Water Resources Re: Proposed Greenbelt Acquisition-Capital Regional District," in [ELUC Meeting: November 12/1974 Meeting #1], no page.

³³ Garrish, "Unscrambling the Omelette," 43.

used by the Commission after approval from the Minister of Finance to buy greenbelt land.³⁴ An example of the Commission operating in these non-agricultural, but still ELUC-oriented capacities, comes from its purchase of Blueberry Hill, now Anderson Hill Park, in Oak Bay in the Capital Regional District in 1974. Although this was not a cabinet appeal, it shows the Commission being concerned with things that were certainly not agricultural land; after 1977 the Commission no longer cared about parks.³⁵ The municipality asked the Commission for money under the greenbelt fund and the ELUC approved Oak Bay's request, happy that Oak Bay agreed to administer the park; it was not zoned as ALR.³⁶

There were effectively four types of appeals for exclusion under this new act, with each one working slightly differently than the others. The first type allowed the cabinet to exclude land, on its own or on the recommendation of a regional district, municipality, or the Commission, from the land reserve plan adopted by each community.³⁷ The second type was for persons opposed to the inclusion of their land in a land reserve plan; they could appeal to the Commission, which could accept or deny the application.³⁸ That is, *the Commission* was generally meant to be the arbiter of whether an appeal should occur.³⁹ The third type of appeal

³⁴ *Land Commission Act* S.B.C. 1973, c 46, ss 7(1), (2); 8(1). The Finance Minister, Barrett until late 1975, could buy land for greenbelts and park land reserves for the purposes of the act as well. This, together with the fact that the *Land Commission Act* was subject to the *Environment and Land Use Act*, one could say that this was an attempt to bring together, in one land use statute, some of the competing land uses the ELUC dealt with. See: *Ibid.*, s 21(2); see also: *Ibid.*, s 20(1). It was also subject to the *Pollution Control Act, 1967*.

³⁵ *Land Commission Amendment Act* S.B.C. 1977 c 73, s 2: "Section 1 is amended by repealing the definitions of (a) 'green belt land.'"

³⁶ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0015, File 4, "Letter of October 10, 1974, from W.T. Lane, Chairman of the British Columbia Land Commission, to The Honourable R.A. Williams, Minister of Lands, Forests, and Water Resources Re: Proposed Greenbelt Acquisition-Capital Regional District," in [ELUC Meeting: November 12/1974 Meeting #1], 1-2.

³⁷ *Land Commission Act* S.B.C. 1973, c 46, s 9(1). If one has heard of the still ongoing (and comparatively tame) scandal the Ontario government of Doug Ford has gotten itself into recently—this type of cabinet involvement was common practice in BC for the twenty years the cabinet and ELUC heard these appeals. Please see: CBC News, "Ontario Government Tables Bill to Return Lands it Removed Back to Greenbelt," *CBC News*, last updated October 16, 2023, <https://www.cbc.ca/news/canada/toronto/ontario-doug-ford-greenbelt-land-reversal-bill-1.6994997>

³⁸ *Land Commission Act* S.B.C. 1973, c 46, s 9(2).

³⁹ *Ibid.*, 9(3).

was of the Commission's decision: individuals could further appeal to the ELUC only with the concurrence of either the regional district (or municipality) *or* at least two members of the Provincial Land Commission.⁴⁰ This shows the limited nature of these cabinet appeals, as cabinet involvement was only for situations where a split on the Commission occurred or if a local government or the Commission brought an appeal forward.⁴¹ The fourth type of appeal, for the non-farm use or the subdivision of land, went only to the land Commission; this effectively re-enacted the provisions of the January 1973 order on the development and non-farm use of farmland.⁴² The regulations covering these four different types of appeal were formalized by order in January 1974, while the non-farm uses of land and the conditions for which land included in the ALR could be subdivided were also formalized via order in January 1975.⁴³ As one can see, cabinet and ELUC involvement was mostly limited and the Commission was designed to deal with most of the appeals. Separate from the cabinet appeal system, if a landowner was upset with a Commission decision to refuse their application for a non-farm use or by the terms the Commission set for how land was used, the landowner could appeal their case to British Columbia's supreme court on a question of law or excess of jurisdiction only.⁴⁴

The regulations for the non-farm use and subdivision of land were approved once, rescinded, and re-enacted again with small changes in January 1975.⁴⁵ For the non-farm use of land, the regulations set out two types of uses: outright uses and conditional uses. Outright uses

⁴⁰ *Ibid.*, s 9(7).

⁴¹ *Ibid.*, s 9(1).

⁴² *Ibid.*, s 10(1); 11(4). Government of British Columbia PC. Order in Council 157-1973, 1.

⁴³ Government of British Columbia PC. Order in Council 353-1974, 1-11. Government of British Columbia PC. Order in Council 420-1975, 1.

⁴⁴ *Land Commission Act* S.B.C. 1973 c 46, s 11 (5).

⁴⁵ The first order was approved on January 18, 1975. Please see: Government of British Columbia PC. Order in Council 130-1975, 1. This order was rescinded and replaced on January 31, 1975. Please see: Government of British Columbia PC. Order in Council 420-1975, 1. Yes, the government passed some three-hundred regulations in about two weeks!

were those permitted in an ALR and effectively were treated as agriculture: the storage and sale of farm products; types of dwelling houses and some types of additional ones; silviculture; ecological reserves; public parks, whether at the local, regional, or provincial level; bird areas; fish farms; *golf courses*; minor road and railway construction; expansions of existing gravel pits that did not exceed 2 acres in size; dykes and related pumphouses; and land developments like clearing, draining, irrigating, and reservoir construction. Golf courses were removed from outright uses in 1981 but added again in 1988.⁴⁶ Conditional uses, meanwhile, were those that, subject to the Commission's approval, did not "materially reduce the future agricultural potential" of an area or were in the public interest.⁴⁷ This included the processing of agricultural products; additional dwelling units; unpaved airstrips; new highways or rights-of-way, or railways, excepting those permitted outright; utility lines; trunk sewers; sewage lagoons; garbage landfills; well drillings; guest ranches; "open land recreation uses"; surveying and mineral exploration, provided alterations to soil be restored; gravel pits over 2 acres in size; turf farms; and schools and "other public institutions."⁴⁸ If a person wanted a conditional non-farm use of land, they applied to the Commission for approval.⁴⁹

The Barrett government did not want cabinet appeals and only included them to mute Social Credit opposition to the act.⁵⁰ Barrett's "one regret" about the act, in fact, is that the government did not institute an "absolute ban" against politicians getting involved in the appeal process, because, he argues, after the NDP lost re-election in 1975 the Socreds began making

⁴⁶ This is discussed most specifically in chapters 3 and 4 below. Please see: Government of British Columbia PC. Order in Council 420-1975, 3. Government of British Columbia PC. Order in Council 30-1981, 1-3. Government of British Columbia PC. Order in Council 1141-1988, 1.

⁴⁷ Government of British Columbia PC. Order in Council 420-1975, 3-4. Italics mine.

⁴⁸ *Ibid.*, 4-5.

⁴⁹ *Ibid.*, 5.

⁵⁰ Petter, "Sausage Making," 29.

decisions from within cabinet willy-nilly.⁵¹ Once out of government, a later NDP agriculture critic scolded the Social Credit government of Bill Bennett for being “prepared to make political decisions over the judgements of the Commission.”⁵² Wallace mentions three *very* political appeals involving the Bill Bennett cabinet and the ELUC: the Spetifore lands in Delta, which belonged to a Socred supporter; the Gloucester Properties in Langley, brought by a campaign worker for a cabinet minister; and permission being granted to a Windermere applicant, a former constituency representative for a minister, to remove gravel from underneath ALR-zoned land.⁵³ By my count, only seven ELUC meetings in 1975 were devoted to formal appeals established under the act in some capacity.⁵⁴ Of these seven meetings, only one was devoted to more than one appeal.⁵⁵

⁵¹ Barrett and Miller, *Barrett*, 64.

⁵² Barbara Wallace, “This Persistent Land Issue,” *Times Colonist*, March 26, 1981, 4.

⁵³ *Ibid.*

⁵⁴ This is only a general view. BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0015, Files 4, 5, 20. BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0016, Files 2, 3, 5, 6.

⁵⁵ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0016, File 3.



Above: District Lot 2820 in Olalla highlighted in yellow; the appeal was within this area.⁵⁶

Four ELUC meetings⁵⁷ were partially devoted to the first appeal we are dealing with here, from the Okanagan-Similkameen Regional District hamlet of Olalla in August 1975.⁵⁸ It was from an individual land owner upset with a Commission decision to zone his land as ALR.⁵⁹ The person first needed to get a resolution passed by the regional district and the concurrence of the Land Commission authorizing him to appeal to ELUC, as required by the appeal regulations.⁶⁰ The ELUC allowed the appeal but its approach demonstrates that cabinet appeals

⁵⁶ Government Access Tool for Online Retrieval (GATOR) Entry for District Lot 2820, S.D.Y.D. Last accessed May 16 2024,

[https://a100.gov.bc.ca/pub/pls/gator/gator\\$querylist_detail.parcel_detail?v_Pin_Sid=4274270&v_Historical=ON](https://a100.gov.bc.ca/pub/pls/gator/gator$querylist_detail.parcel_detail?v_Pin_Sid=4274270&v_Historical=ON)

⁵⁷ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0016, Files 2, 3, 5, 6.

⁵⁸ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0016, File 5, "Van Walleghem Sec. 9(7) Appeal Information Summary Dated August 7, 1975," in [ELUC Meeting: August 19, 1975], 1.

⁵⁹ *Land Commission Act* S.B.C. 1973, c 46, s9(7). BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0016, File 5, "Van Walleghem Sec. 9(7) Appeal Information Summary Dated August 7, 1975," in [ELUC Meeting: August 19, 1975], 1.

⁶⁰ Government of British Columbia PC. Order in Council 353-1974, 6.

were meant to be limited.⁶¹ The ELUC was required to view all documents filed with it and hear the evidence from the appellant, the Commission, the regional district, and the municipality.⁶²

The property was used for pasture and had two mobile homes on it; it also crossed a highway, so it was cut in two.⁶³ To the west, there was a vacant hillside used for grazing and an old mine site and to the north and northeast was the main residential area of Olalla, of 50 homes and mobile homes, as well as a service station and campground.⁶⁴ To the east was Keremeos Creek and scattered residences and to the south was undeveloped land.⁶⁵ The result of this appeal was housing in the southern, eastern, and western edges of Olalla.⁶⁶ The regional district claimed that land included in the provisions of the act continued to be built upon “because of lack of any enforcement agency,”⁶⁷ perhaps due to the small and isolated nature of the community. The

⁶¹ “The appeal was approved.” Please see: BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0016, File 6, “Minutes of Environment and Land Use Committee Meeting of August 19, 1975,” in [ELUC Meeting: September 23, 1975], 1.

⁶² BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0015, File 5, “Memorandum from the Environment and Land Use Committee Secretariat of July 4, 1975, to Members of the Environment and Land Use Committee,” in [ELUC Meeting: August 19, 1975], 1.

⁶³ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0016, File 5, “Van Walleghem Sec. 9(7) Appeal Information Summary Dated August 7, 1975,” in [ELUC Meeting: August 19, 1975], 1.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ At the time of the appeal, the legal description of the area under appeal was as follows: Part District Lot 2820, Except Plan H-13, S.D.Y.D. [Similkameen Division of Yale District]. Please see: BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0016, File 5, “Van Walleghem Sec. 9(7) Appeal Information Summary Dated August 7, 1975,” in [ELUC Meeting: August 19, 1975], 1. I believe this corresponds to 1415, 1416, 1424, and 1430 Highway 3A, Olalla. The current legal descriptions for these properties is as follows: District Lot 2820, Similkameen Div of Yale Land District, except plan H13. & EXC PL 27256, 29871; Lot A, Plan KAP29871, District Lot 2820, Similkameen Div of Yale Land District, Except Plan KAP71060; Lot A, Plan KAP 29871, District Lot 2820, Similkameen Div of Yale Land District, Manufactured Home Reg. # 4548, Bay #1; Lot 1, Plan KAP71060, District Lot 2820, Similkameen Div of Yale Land District. Please see: “1415 Highway 3A Olalla V0X 1N6,” BC Assessment, Find Your Property Assessment, last accessed May 16, 2024.

<https://www.bcassessment.ca/Property/Info/QTAWMDA5NjdUSA> “1416 Highway 3A Olalla V0X 1N6,” BC Assessment, Find Your Property Assessment, last accessed May 16, 2023,

<https://www.bcassessment.ca/Property/Info/QTAWMDA5NjdUVw> “1424 Highway 3A Olalla V0X 1N6,” BC Assessment, Find Your Property Assessment, last accessed May 16, 2024,

<https://www.bcassessment.ca/Property/Info/QTAWMDA5NjhaNw> “1430 Highway 3A Olalla V0X 1N6,” BC Assessment, Find Your Property Assessment, last accessed May 16, 2024,

<https://www.bcassessment.ca/Property/Info/QTAWMDA5NjhaNw>

⁶⁷ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0016, File 5, “Van Walleghem Sec. 9(7) Appeal Information Summary Dated August 7, 1975,” in [ELUC Meeting: August 19, 1975], 1.

Commission thought the land was good for agriculture and that there appeared to be no justification for further subdivisions in Olalla since there were numerous vacant lots.⁶⁸ The landowner sent a request to appeal to the Commission in August 1974, which the Commission granted that September.⁶⁹ With the Commission split, it went to the ELUC. The landowner believed that more subdivided lots were needed in Olalla and argued that he was unable to farm the area because of flooding and old age.⁷⁰ The ELUC approved the removal. Dave Stupich said to other ELUC members that “some appeals should be allowed when questions of principle or policy are raised” by them, underlining the novelty of ALR appeals at this time and implying that they were meant to be limited.⁷¹ He also said that all ELUC members agreed that appeals to the committee should only be entertained if there was a real difference of opinion between Commission members.⁷²

* * *

In sum, we have now seen the creation of the ALR, the Commission, and the pertinent appeal provisions established under the *Land Commission Act, 1973*. We also saw how Barrett’s government integrated the *Green Belt Protection Fund Act, 1972*, into the *Land Commission Act* through the Commission’s purchase of Anderson Hill Park in Oak Bay. Appellants did not use cabinet appeals much, as the government only dealt with appeals at seven ELUC meetings in 1975 after the act was rolled out. But as we saw in Olalla there were some strong policy reasons for removing some land from the ALR; in this example a highway cut a property in two, the property flooded, the town needed more subdivided lots, there was poor enforcement, and the

⁶⁸ Ibid., 2.

⁶⁹ Ibid., 1.

⁷⁰ Ibid., 2.

⁷¹ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0016, File 5, “Letter of July 16, 1975, from David D. Stupich, Minister of Agriculture, to Mr. Gary Runka, Chairman, B.C. Land Commission,” in [ELUC Meeting: August 19, 1975], 1.

⁷² Ibid.

owner was old and could not farm any longer. There was a *Farm Income Assurance Act* passed in 1973, which could have helped this person, but the decision was taken to take their land out of the ALR by the ELUC in 1975.⁷³ This act is still on British Columbia's statute books as of 2024.⁷⁴ In all, Barrett's government dealt with ALR appeals only on a limited basis: four ELUC meetings⁷⁵ were devoted to the Olalla appeal and it was one of only seven appeals dealt with across British Columbia in 1975.⁷⁶

⁷³ *Farm Income Assurance Act* S.B.C. 1973, c 115, s 1. "1. In this Act, unless the context otherwise requires, 'farm income plan' means any programme, arrangement, proposal, plan, scheme, or similar measure, howsoever described, that provides in any way for the paying of moneys to, or guaranteeing, or assuring of income for, such farmers or classes of farmers in the Province as the Lieutenant-Governor in Council may designate."

⁷⁴ *Farm Income Insurance Act* R.S.B.C. 1996, c 130, s 1. "1. In this Act, 'farm income plan' means a program, arrangement, proposal, plan, scheme, or similar measure, however described, that provides in any way for the payment of money to, or the guarantee or assurance of income for, farmers or classes of farmers in British Columbia."

⁷⁵ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0016, Files 2, 3, 5, 6.

⁷⁶ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0015, Files 4, 5, 20. BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0016, Files 2, 3, 5, 6.

Chapter 3: “Building with Bill”: ALR Reform and Three Appeals from Bill Bennett’s Government: 1975-1986

Bill Bennett and his brother Russell owned the hardware store chain their father, W.A.C. Bennett, gave the brothers after his 1952 entry into provincial politics.¹ In Kelowna, Bill and Russell turned the hardware business into a building and development company; in turn, the brothers helped develop the Orchard Park Shopping Centre and nearby Orchard Plaza in Kelowna.² Social Credit’s slogan in the 1975 election was “Build with Bill.”³ When Bennett died in 2015, then-premier Christy Clark remembered Bennett’s as a builder; his government’s achievements included Expo ’86, the Skytrain, the Vancouver Trade and Convention Centre, and the Coquihalla Highway.⁴ According to Bill Bennett’s political biographers in 1986, what persuaded the younger Bennett to “daub on the family grease paint” and enter politics was his hostility to

¹ This hardware store, acquired by W.A.C. Bennett in 1930 after he moved from Alberta, was called Bennett’s Hardware and Furniture. The store was in the Leckie and Crowley blocks in Downtown Kelowna at 267-271 Bernard Avenue. W.A.C. Bennett is also popular in Kelowna for his pre-political efforts to reorganize the local fruit industry and his investment and presidency in Kelowna’s first winery, Calona Winery. The founder of Calona, Herb Capozzi, was a Social Credit MLA from 1966 to 1972. For the Leckie and Crowley Blocks, please see: “Leckie Block (Bennett’s Furniture and Hardware),” City of Kelowna, last accessed October 16, 2023, <https://www.kelowna.ca/our-community/arts-culture-heritage/heritage/heritage-register/leckie-block-bennetts-furniture> For W.A.C. Bennett’s pre-political purchase of Calona Wines, the Okanagan’s first winery, please see: “Our Story,” Frind Estate Winery, last accessed October 16, 2023, <https://www.frindwinery.com/Our-Story>. For Herb Capozzi and the Calona winery, please see: Doris Janssen, “Well-Known Kelowna Businessman Herb Capozzi Passes Away,” *Global News*, last updated November 21, 2011, <https://globalnews.ca/news/180366/well-known-kelowna-businessman-herb-capozzi-passes-away/>

² Orchard Park Shopping Centre, then just outside the city of Kelowna’s boundary, is an enclosed shopping mall on former orchard land adjacent to Highway 97 in Kelowna. Bill Bennett acquired 25 acres of land with the intention to build the mall himself and Kelowna-based Okanagan Holdings. Parts of this land were then sold to Marathon Realty, which developed the enclosed mall. But Bill and Russell Bennett still owned land adjoining this new mall and with it they optioned part of it to Safeway Canada to build a store there. This is Orchard Plaza and contains other stores and offices. W.A.C. Bennett’s cabinet approved the zoning change the younger Bennett’s needed to get this Safeway deal done in February 1971. Please see: Jes Odam, “For Bennett’s Sons, Cabinet Okay a Key to Deal,” *Vancouver Sun*, February 4, 1971, 15. For more on the Orchard Park Shopping Centre, please see: Jes Odam, “Sons Sold Shopping Centre Land: Bennett Asked to Probe Road Access Deal,” *Vancouver Sun*, February 4, 1971, 15. Bob Plecas, *Bill Bennett: A Mandarin’s View*, (Vancouver: Douglas & McIntyre, 2006), 17.

³ Plecas, *Bill Bennett: A Mandarin’s View*, 67.

⁴ CBC News, “Bill Bennett, Former B.C. Premier, Dead at 83,” *CBC News*, last updated December 4, 2015, <https://www.cbc.ca/news/canada/british-columbia/bill-bennett-died-1.3351863>

the Barrett government's introduction of the *Land Commission Act*.⁵ This hostility was demonstrated in the December 1975 election when Social Credit campaigned on a programme of giving control over land use decisions back to regional districts and threatened to abolish the Commission altogether.⁶ Bennett's government did not abolish the Commission, though it did rename it in 1977.⁷ The act was now the *Agricultural Land Commission Act*.⁸ This government also made it easier for individuals and companies upset at Commission decisions to appeal their case to the ELUC and to the cabinet through the creation of new types of cabinet appeal.⁹ It was during Bennett's government that appeals flourished: nineteen ELUC meetings were devoted to

⁵ Marjorie Nichols and Bob Krieger, *Bill Bennett: The End*, (Vancouver, Douglas & McIntyre, 1986), 6. As they say: "in 1973, as the first socialist spring bloomed on Pacific shores, Bill Bennett, the 41-year-old son of the deposed premier, was at home in Kelowna doing what he did best: making money. What persuaded Bill to daub on the family grease paint [quite the phrase] was the Barrett government's introduction of the agricultural land act, a bill that placed a permanent development freeze on all tillable land in the province." Bennett won a September 1973 byelection for his father's old Okanagan seat, won the Social Credit leadership thereafter, and, by December 1975, won the premiership after a frankly brilliant campaign to rebuild Social Credit from its ten-seat performance in 1972. This was the first of four Social Credit majorities in the late 1970s and 1980s, with Bennett winning three of these until his resignation in 1986. The rebuilding of Social Credit occurred in three phases: render useless the BC Tories; co-opt the BC Liberals in membership and on policy; and convince voters that the Barrett government was incompetent at spending money. The first part was done when Bennett defeated BC Tory leader Derril Warren in the 1973 byelection. The second part was done with an orchestrated floor-crossing of several prominent Liberals to Social Credit in 1975. This included the BC Liberals *former leader* Pat McGeer and Bennett's eventual Attorney General Garde Gardom. For the third part, the young Bennett was retroactively helped by his father W.A.C. Bennett, who had for twenty long years engrained in BC's political culture that balanced budgets and the NDP did not mix: he generally suggested the NDP could not run a peanut stand. With Dave Barrett as the dual-premier and finance minister for most of the NDP's term, there was little Barrett could do to distance himself from such criticism whatever the merits of Social Credit fiscal policy. For more on this, please see: Plecas, *Bill Bennett: A Mandarin's View*, 18-22; 44-45, 49-51, 53-65.

⁶ Frances Russell, "Barrett says Socred land stand 'dangerous,'" *Vancouver Sun*, November 18, 1975, 10.

⁷ *Land Commission Amendment Act*, S.B.C. 1977, c 73, s 3. Section 3, renaming the Commission, read: "3. Section 2 is repealed and the following substituted: 2. (1) The Provincial Land Commission established under the Land Commission Act is continued as a corporation under the name "Provincial Agricultural Land Commission", consisting of not less than 5 members appointed by the Lieutenant-Governor in Council, and, on their appointment, the members constitute the corporation and are its directors. Section 1, renaming the act itself, now read: "1. The title of the Land Commission Act is repealed and the following substituted: "Agricultural Land Commission Act."

⁸ *Land Commission Amendment Act*, S.B.C. 1977, c 73, s 1. "1. The title of the Land Commission Act is repealed and the following substituted: "Agricultural Land Commission Act."

⁹ *Land Commission Amendment Act*, S.B.C. 1977, c 73.

appeals in 1976,¹⁰ twenty-five in 1977,¹¹ sixteen in 1978,¹² nine in 1979,¹³ eleven in 1980,¹⁴ four in 1981,¹⁵ one in 1982 devoted to eight different appeals,¹⁶ six in 1983,¹⁷ ten in 1984,¹⁸ twelve in 1985,¹⁹ and nine before August 1986,²⁰ when Bennett resigned. A total of 122 ELUC meetings were devoted to appeals in some capacity; at 88 meetings, more than one appeal was discussed.²¹ This chapter argues that Bill Bennett's government made it easier to appeal to an elected body and used cabinet appeals to help constituents build. We see at a mall in Nanaimo, an area of West Bank, and at a farm in Richmond.

Bennett built a very different cabinet than the one that preceded it: BC's government underwent a significant reorganization in 1976,²² the ELUC was reformed various times through

¹⁰ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0016, Files 11, 12, 13, 14, 17, 19, 20, 21, 23, 24; Container 910449-0017 Files 3, 4, 6, 7, 8, 9, 10, 12, 13.

¹¹ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series-GR-3676, Container 910449-0017, Files 18, 19, 20, 21, 23, 25, 26, 30, 32, 34, 38; Container 910449-0018, Files 1, 2, 4, 5, 6, 8, 9, 10, 11, 12, 15, 16, 19, 20.

¹² BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series-GR-3676, Container 910449-0018, Files 28, 29, 30; Container 910449-0019, Files 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14.

¹³ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series-GR-3676, Container 910449-0019, Files 15, 17, 18, 19, 20, 21; Container 910449-0020, Files 2, 4, 6.

¹⁴ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series-GR-3676, Container 910449-0020, Files 13, 15, 17, 18, 20, 21; Container 910449-0021, Files 1, 3, 4, 5; Container 910449-0023, File 2. A reason I do not do much in the late 1970s and early 1980s is that the file ordering went a little astray.

¹⁵ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series-GR-3676, Container 910449-0022, Files 12, 17, 22; 910449-0023, File 8.

¹⁶ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series-GR-3676, Container 910449-0026, File 25.

¹⁷ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series-GR-3676, Container 910449-0027, Files 4, 8, 9, 10, 15, 18.

¹⁸ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series-GR-3676, Container 910449-0195, Files 3, 4, 5, 6, 7, 9, 11, 12, 13, 17.

¹⁹ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series-GR-3676, Container 910449-0195, Files 22, 23, 25, 28, 29, 30, 32, 33, 34, 35, 36, 37.

²⁰ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series-GR-3676, Container 910449-0196, Files 1, 3, 5, 6, 8, 10, 11, 12, 13.

²¹ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0016, Files 11, 12, 13, 17, 23, 24; Container 910449-0017, Files 9, 12, 13, 21, 25, 26, 30, 34, 38; Container 910449-0018, Files 1, 2, 6, 8, 10, 12, 15, 16, 19, 20, 28, 29; Container 910449-0019, Files 1, 3, 5, 8, 10, 12, 13, 15, 17, 18, 20, 21; Container 910449-0020, Files 2, 4, 6, 13, 15, 17, 18, 21; Container 910449-0021, Files 1, 4, 12, 17, 22; Container 910449-0023, Files 2, 8; Container 910449-0026, File 25; Container 910449-0027, Files 4, 8, 10, 15, 18; Container 910449-0195, Files 3, 4, 5, 6, 7, 9, 11, 12, 13, 17, 22, 23, 25, 28, 29, 33, 34, 35, 36, 37; Container 910449-0196, Files 1, 3, 5, 6, 8, 10, 11, 12.

²² For the 1976 reorganization, see: *Government Reorganization Act* S.B.C. 1976, c 18.

this government's tenure,²³ and a new cabinet committee, the Cabinet Committee on Legislation, took a much more active role in the government's legislative business than other cabinet groups.²⁴ The *Land Commission Act* was considerably reformed in 1977—hereafter, the act was about preserving farm land; the non-agricultural land uses were removed from the act and the Commission was now only focused on agricultural land.²⁵ The full cabinet could still exclude land from the ALR either on the recommendation of a regional district or municipality, or on its own;²⁶ individual landowners could appeal their inclusion in an ALR to the Commission;²⁷ and, provided two members of the *Commission* agreed, individuals aggrieved at a Commission decision could still appeal further to the ELUC.²⁸ The ELUC Secretariat was abolished in 1980 and golf courses were removed from the list of permitted uses in 1981.²⁹ From 1981, golf courses were a conditional land use subject to the Commission's approval, approval with conditions, or refusal.³⁰ I am unsure why golf courses were removed from permitted uses; it could make the

²³ For ELUC membership—the *important* thing to note is that different ministries and ministers habitually shuffled in and out... For the ELUC membership changes of the Bill Bennett ministry, see: Government of British Columbia PC. Order in Council 140-1976, 1-2; Government of British Columbia PC. Order in Council 3237-1976, 1-2; Government of British Columbia PC. Order in Council 3044-1978, 1-2; Government of British Columbia PC. Order in Council 2969-1979, 1; Government of British Columbia PC. Order in Council 3-1981, 1; Government of British Columbia PC. Order in Council 4-1981, 1; Government of British Columbia PC. Order in Council 1069-1981, 1; Government of British Columbia PC. Order in Council 980-1981, 1; Government of British Columbia PC. Order in Council 1557-1982, 1; Government of British Columbia PC. Order in Council 883-1983, 1; Government of British Columbia PC. Order in Council 372-1985, 1; Government of British Columbia PC. Order in Council 93-1986, 1; Government of British Columbia PC. Order in Council 294-1986, 1.

²⁴ This committee “reviewed in detail the drafting of every bill, ensuring that the language in the draft bill matched the prose in the approved cabinet submission. The committee then recommended the bill to cabinet prior to it being presented to the legislature.” Plecas, *A Mandarin's View*, 72.

²⁵ *Land Commission Amendment Act* S.B.C. 1977, c 73, ss 1, 2, 5.

²⁶ *Ibid.*, s 7. This was now section 9 (1).

²⁷ *Ibid.* This was now section 9 (2) and (3).

²⁸ *Ibid.* This was now section 9 (7).

²⁹ Government of British Columbia PC. Order In Council 1999-1980, 1-2. Government of British Columbia PC. Order in Council 30-1981, 1-3.

³⁰ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0200, File 5, “Letter 30 June 1988 from R.P. Murdoch, to all Regional Districts and Municipalities. Re: Golf Courses,” in [Golf Course Review], 1.

Bennett government's stricter focus on agricultural land clearer.³¹ The ELUC Secretariat's abolition is significant as its ability to coordinate across different land use ministries was transferred back to the several individual ministries within the provincial government.³² The golf course change is significant because Bill Vander Zalm's government amended these regulations in 1988, making golf courses a permitted use again.³³ The province no longer had a minister of Lands, Forests and Water Resources after 1976—this was now the Environment Minister. Forests, however, was separate from this portfolio.³⁴ The first Environment Minister was Jim Nielsen, who explained the similarities between administrations:

A lot of people today have spent their whole life with the Agricultural Land Reserve or ICBC or tolls on the Coquihalla. W.A.C. Bennett had his twin rivers policy and taking over the Black Ball ferries. Very controversial at the time, but after a while the NDP never changed any of it, when Barrett got in power. We [did not] change a lot of Barrett's stuff. Harcourt [did not] change a lot of our stuff. [That is] the way the province is governed.³⁵

Nielsen is right, but Bennett's government changed the way appeals worked. There were new opportunities to appeal after 1977: people and companies whose appeals were denied by the Commission could now appeal *directly* to the minister in charge of the act for relief to the ELUC, which, if the minister allowed, would result in a hearing.³⁶ There was a new type of appeal created too: in 1973, people wanting to subdivide or use their land for a 'non-farm use' had to get the approval of their regional district or municipality and could only then take their case to the

³¹ For example, see: *Land Commission Amendment Act* S.B.C. 1977, c 73, s 2. That is, "2. Section 1 is amended by repealing the definitions of (a) 'green belt land', (b) 'land bank land', and (c) 'park land.'"

³² Government of British Columbia PC. Order In Council 1999-1980, 1-2.

³³ Government of British Columbia PC. Order in Council 1141-1988, 1. This change is discussed in the next chapter.

³⁴ *Government Reorganization Act* S.B.C. 1976, c 18, ss 3; 8. Section 3 read: "3. The Department of Lands, Forests and Water Resources is amended by repealing the title and substituting the following 'Department of Environment Act'." Section 8 read: "8. The *Forest Act* is amended (a) by repealing the title and substituting the following: 'Department of Forests Act.'"

³⁵ Plecas, *A Mandarin's View*, 235.

³⁶ *Land Commission Amendment Act* S.B.C. 1977, c 73, s 7. This was now section 9 (8).

Commission; there was originally no appeal available after a Commission decision of this sort.³⁷ After a regulation change, the landowner could approach their local government and ask it to apply to the cabinet directly on their behalf.³⁸ This was of great concern to the Commission because of the number of applications received from 1974 to 1977 and because some regional districts and municipalities (perhaps to spite the government) apparently intended to automatically send such applications to the cabinet.³⁹ These new procedures were formalized in 1978 in a new *Agricultural Land Commission Act* order, arguably the most significant ALR reform the Bennett government undertook.⁴⁰

Together, these reforms caused more land to be removed from the ALR. As one *Victoria Times* editorialist wrote, BC's government was making decisions that allowed "a few acres to slip from the ALR here, another few acres to be eaten away there, and still another few to be turned into subdivisions somewhere else."⁴¹ Our editorialist also presciently notes that though ALR appeals were never enough to cause big political trouble for Bennett's government, they were slowly eroding BC's most useful agricultural land using an act that was created precisely to protect against such things from occurring at all.⁴² This is true, but the following three appeals we consider from Nanaimo, West Bank, and Richmond, show us something more. First, the

³⁷ *Land Commission Act* S.B.C. 1973, c 46, s 11(4).

³⁸ Government of British Columbia PC. Order In Council 1979-1978, 1-7.

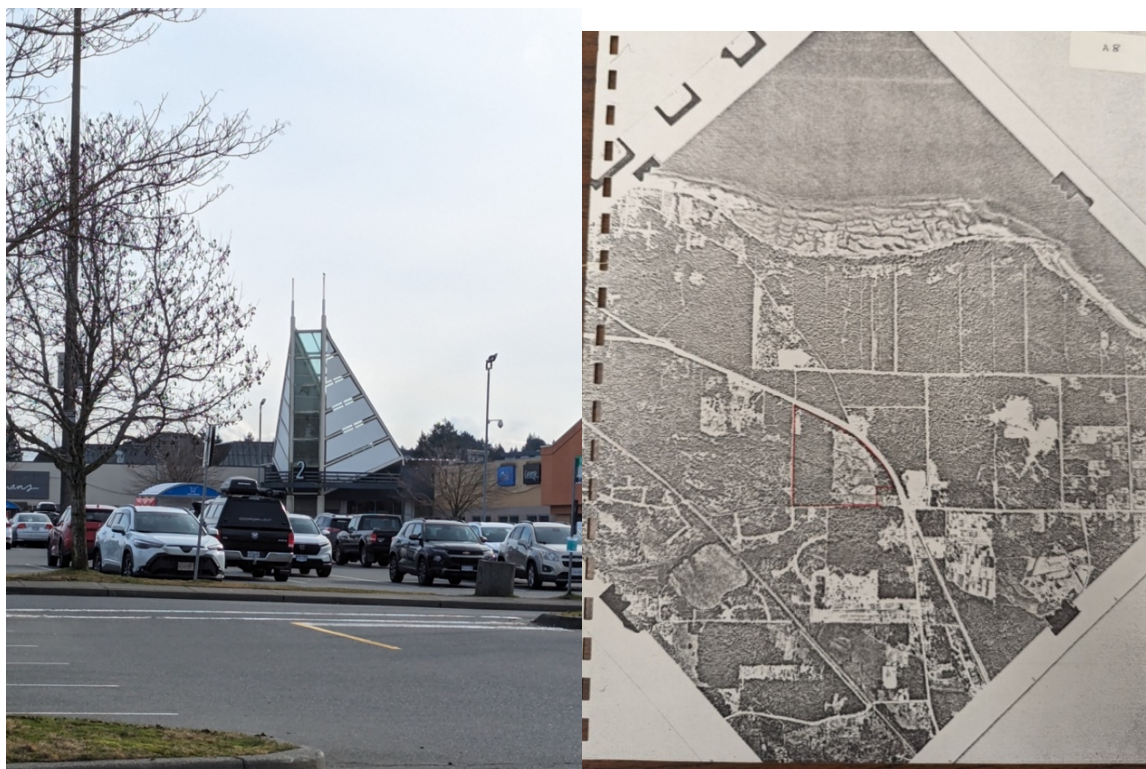
³⁹ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0019, File 10, "Letter of July 14, 1978, from Gary Runka, Chair, British Columbia Agricultural Land Commission, to Environment Minister James A. Nielsen," in [ELUC: #16/78: October 18, 1978], 1.

⁴⁰ As mentioned, the appeal regulations were changed in 1978: Government of British Columbia PC. Order in Council 1979-1978, 1-7. These were also amended in 1981 (largely renumbering) and somewhat more substantially in 1984: Government of British Columbia PC. Order in Council 31-1981, 1-3; Government of British Columbia PC. Order In Council 1227-1984, 1-6. The subdivision and non-farm use regulations were changed in 1981: Government of British Columbia PC. Order In Council 30-1981, 1-4. After the major 1977 amendment, the act was consolidated in 1979: *Agricultural Land Commission Act* R.S.B.C. 1979, c 9. It was then amended marginally in 1980 in an omnibus amendment act covering various things: *Miscellaneous Statutes Amendment Act (no. 2)* S.B.C. 1980, c 36 ss 3-8.

⁴¹ "Farmland Preservation," *Victoria Times*, July 21, 1978, 4.

⁴² *Ibid.*

ELUC was acting in a pro-business way before these reforms, making clear the slogan “Build with Bill”⁴³; second, Social Credit took a stricter view of what “agriculture” was than the Barrett government; and third, the way that cabinet appeals could occur whatever the ALC thought about an application. This all shows the Bennett government making it easier for people to build.



Left: An entrance to the Woodgrove Centre in February 2024 in Nanaimo. Right: A map showing the area that is now the Woodgrove Centre under appeal.⁴⁴

The first appeal under the Bennett government that we are considering here resulted in the Woodgrove Centre mall being built in Nanaimo. I cannot say with certainty whether this proposal would have failed if the head of the executive council were not a mall developer,⁴⁵ but the example shows the ELUC operating in a more pro-business way, making the slogan “Build

⁴³ Plecas, *Bill Bennett: A Mandarin's View*, 67.

⁴⁴ The map on the right is from: BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0016, File 21, “Addenda to Report by Cunningham & Rivard Appraisals Ltd., Vancouver,” in [ELUC: Big West Developments: May 7, 1976], 8.

⁴⁵ Jes Odam, “For Bennett’s Sons, Cabinet Okay a Key to Deal,” *Vancouver Sun*, February 4, 1971, 15; Jes Odam, “Sons Sold Shopping Centre Land: Bennett Asked to Probe Road Access Deal,” *Vancouver Sun*, February 4, 1971, 15.

with Bill” come to life.⁴⁶ In the 1970s, Nanaimo was booming.⁴⁷ There is perhaps no better example of this boom than the building of this large mall on the northern edge of the city on the Island Highway.⁴⁸ The application to build a mall on ALR land was first made to Nanaimo Regional District in April 1975, before Social Credit won election. The regional district’s planning committee first recommended it, but the Commission rejected this request.⁴⁹ In February 1976, at least two members of the Commission reconsidered this decision, as they could under the act, allowing the ELUC to hear the appeal.⁵⁰ Bennett’s ELUC approved an appeal from a company to build this mall in May 1976.⁵¹

This property is about eight miles north of Nanaimo’s downtown and comprises about 60 acres of land.⁵² For the Nanaimo of the late 1970s, this was still a very new part of the city, as it was only included in the city’s boundaries as of January 1975.⁵³ The Nanaimo municipal council and the regional district appear to have been fumbling around for what to do with the city’s new annexations: there were two development plans proposed for Nanaimo before the annexations—a centralized one, preferred by the regional district, would have confined all new commercial development to Nanaimo’s established downtown core. The second one, favoured by the city, was decentralized—and included the proposed development of some five shopping centres,

⁴⁶ Plecas, *Bill Bennett: A Mandarin’s View*, 67.

⁴⁷ Victoria Times, “Can Boom Town Stand the Bang?” *Victoria Times*, May 1, 1979, 19.

⁴⁸ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0016, File 19, “ELUC Minutes of May 7, 1976, Meeting” in [ELUC: Meeting May 7, 1976, hearings (2)], 1.

⁴⁹ Ibid.

⁵⁰ Ibid. See also: *Land Commission Act* S.B.C. 1973, c 46, s 9(7): “A person who is dissatisfied with the decision of the commission, (a) upon being authorized to appeal by a resolution of the municipality or regional district, as the case may be; and (b) upon being granted leave to appeal by any two members of the commission, may appeal, in the manner prescribed in the regulations to the Environment and Land Use Committee established under the *Environment and Land Use Act*.”

⁵¹ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0016, File 19, “Information Summary Re: Appeal by Big West Developments Ltd. to the Environment and Land Use Committee under Section 9(7), of the Land Commission Act,” in [ELUC: Meeting May 7, 1976, hearings (2)], 1.

⁵² Ibid.

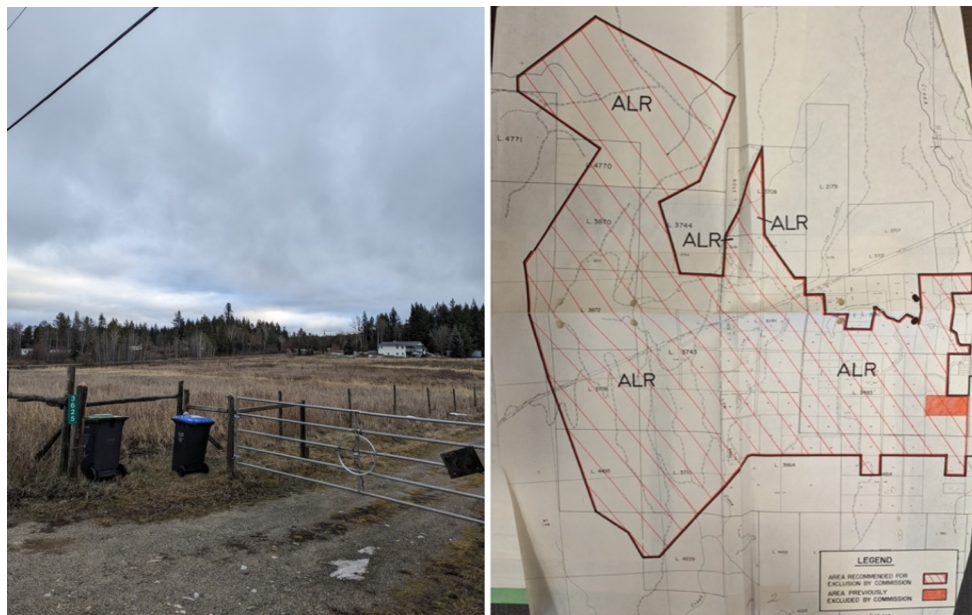
⁵³ Ibid.

Woodgrove among them.⁵⁴ It was only after the area was included in the city's boundaries that the city "actively" considered building a mall on this spot of Nanaimo.⁵⁵ In approving this development, the ELUC purposely chose decentralization and contributed to Nanaimo's growth into the sprawling urban centre that it is. The mall was completed in 1981 and is now not only a regional centre for the city and communities further up-island but is also Vancouver Island's largest mall.⁵⁶

⁵⁴ Ibid., 2.

⁵⁵ Ibid.

⁵⁶ I know this from experience and by what the mall is marketed as: the close friends I know in Coombs, south of Parksville and Qualicum Beach commute regularly to this mall and its environs because the Woodgrove Centre is one of the few things of indoor interest nearby for them. As the mall says: "Woodgrove Centre is the market dominant retail destination and focal point of the community. The centre features 748,000 square feet of retail space and is Vancouver Island's largest shopping centre attracting 5.6 million visitors per year." Please see: "About Woodgrove," Woodgrove Centre, last accessed December 16, 2023, <https://www.woodgrovecentre.com/aboutwoodgrove/> Frankly, north of Nanaimo, the closest thing to a mall (basically a wall of stores) is the Wembley Mall in Parksville. There is equally nothing approaching an indoor mall in Qualicum Beach. Please see: "Wembley Mall," Prospero Properties, last accessed November 10, 2023, <https://www.prospero.ca/properties/wembley-mall/>. The ELUC had a retreat to Qualicum Beach in November 1981 to debate proposed reforms spearheaded by Bill Vander Zalm that were not successful nor enacted. This is briefly described in the next chapter. Please see: BCA, British Columbia Cabinet Committee Meeting Case Files, Series GR-3676, Container 910449-0022, File 27, "Environment and Land Use Committee Agenda, November 12 and 13, 1981" in [ELUC Retreat: November 1981], 1.



Left: 3625 Glenrosa Road. Right: the hatched sections were excluded from the ALR in this appeal, with shaded sections being removed from the ALR previously.⁵⁷

The second appeal that I examine during Bill Bennett’s government is important for showing that Social Credit did not view ranching as a strictly “agricultural” activity. It concerns a 1985 appeal from the Central Okanagan Regional District (CORD) to the full cabinet for the exclusion of some 1,200 hectares from the Glenrosa community in West Bank.⁵⁸ The area was included in the ALR originally not just for its *agricultural* use (some pastures and hay production) but also its marginal grazing use.⁵⁹ When the regional district’s land reserve was

⁵⁷ The one on the right is from: BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0188, File 23, “Enclosure 2: Location Map 1:10,000) from Letter of September 11, 1984, Sent to Hon. H.W. Schroeder, Minister of Agriculture & Food, from the British Columbia Agricultural Land Commission,” in [Application #01-G-18340: RD of Central Okanagan], no page.

⁵⁸ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0188, File 23, “Letter of September 11, 1984, Sent to Hon. H.W. Schroeder, Minister of Agriculture & Food, from the British Columbia Agricultural Land Commission,” in [Application #01-G-18340: RD of Central Okanagan], 1. It was pursuant to section 11(1) of the *Agricultural Land Commission Act*, which read at this time: “The Lieutenant Governor in Council may, on his own, on application of a municipality or regional district for land within its territory or on the application of the commission, exclude land from a reserve, on the terms he considers advisable.” See: *Agricultural Land Commission Act* R.S.B.C. 1979, c 9, s 11(1). See also: Government of British Columbia PC. Order in Council 1051-1985, 1-2.

⁵⁹ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0188, File 23, “Letter of September 11, 1984, Sent to Hon. H.W. Schroeder, Minister of Agriculture & Food, from the British Columbia Agricultural Land Commission,” in [Application #01-G-18340: RD of Central Okanagan], 2.

approved in July 1974, grazing lands with *poor* agricultural capabilities were *intentionally* included in the reserve to protect the regional district's ranching industry.⁶⁰ Only 10% of this area could grow crops with limitations that restricted what could grow there.⁶¹ After 1977, the Commission *only* cared about agriculture, so appeals like this one that resulted in land being taken out of the reserve were often successful because of Social Credit's stricter focus on crop growing. Here, the exclusion was recommended to the cabinet by the *Commission* and regional district. The Commission noted the area had been the subject of several appeals previously, causing an eventual long-term review of the West Bank's *agricultural* boundaries. The regional district wanted it out because of its poor soil and because the proposed future uses were rural small holdings and in the long term—a residential subdivision.⁶² That is, we continue building with Bill, because removing this land from the ALR would make it easier for people to build and increase their property values too.⁶³

⁶⁰ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0014, File 25, "ELUC Secretariat Memorandum of July 8, 1974, to all Members of the Environment and Land Use Committee," in [ELUC Meeting: July 10, 1974], 2. For the Central Okanagan Regional District's land reserve plan, see: Government of British Columbia PC. Order in Council 2413-1974, 1.

⁶¹ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0188, File 23, "Letter of September 11, 1984, Sent to Hon. H.W. Schroeder, Minister of Agriculture & Food, from the British Columbia Agricultural Land Commission," in [Application #01-G-18340: RD of Central Okanagan], 1: "Revised agricultural capability mapping at the scale of 1:10,000 was prepared in 1983 by the Soils Branch, Ministry of Agriculture and Food. This mapping indicates that the vast majority of the Glenrosa area west of Gates Road is rated as Class 5 and 6 land. Less than 10% of the area is rated as Class 4 land and there are two isolated pockets of Class 3 land." On soil more particularly, class 3 land soils "have moderately severe limitations that restrict the range of crops or require special conservation practices." Class 4 soils "have severe limitations that restrict the range of crops or require special conservation practices." Class 5 soils have "very severe limitations that restrict them to perennial forage crops," with feasible improvement practices. And Class 6 soils can only produce perennial forage crops and improvement practices are not feasible. There are seven classes, with Class 1 being the best and 7 the worst. Please see: Government of Canada, "Overview of Classification Methods for Determining Land Capability for Agriculture," last updated May 31, 2013, <https://sis.agr.gc.ca/cansis/nsdb/cli/classdesc.html>

⁶² BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0188, File 23, "Letter of September 11, 1984, Sent to Hon. H.W. Schroeder, Minister of Agriculture & Food, from the British Columbia Agricultural Land Commission," in [Application #01-G-18340: RD of Central Okanagan], 2.

⁶³ Stobbe et al., "Farmland Preservation Verdicts," 557. "Speculation on land that developers believe has a high probability of being excluded can increase farmland values well beyond the agricultural returns from the land, thus undermining one of the main reasons for zoning—to keep agricultural land prices low for farmers. In the urban-rural fringe of southwestern BC, ALR-zoning has reduced land prices, but these prices are still above likely agricultural value."

The third appeal I will consider during Bill Bennett's government shows the ELUC disregarding the Commission's recommendations. In 1985, Bennett's ELUC *declined* to exclude about 60 hectares of the Greater Vancouver Regional District's ALR in Richmond, but it *allowed* the requested use of a smaller section of the property (a club house facility on about 3 hectares of land) to be retained in the ALR.⁶⁴ This only came to the ELUC after Bennett's Minister of Agriculture granted leave to appeal; that is, it was not a Commission recommendation to consider this proposal.⁶⁵ Commission members visited the site a few times and reported that the area had excellent agricultural potential.⁶⁶ The soils in Richmond are especially good for agriculture and the property had a long history of crop growing, they said. In fact, the Commission had considered an application in 1983 for a golf course and club house and rejected it.⁶⁷ The Commission reconsidered this twice and, again, rejected it twice: it was convinced that this was not an appropriate place for a golf course and that it could not justify approving it given the *Agricultural Land Commission Act*.⁶⁸ The Commission's chair knew that final decision-making authority ultimately rested with the ELUC, but warned that if the ELUC *allowed* the proposed land use, it would potentially jeopardize the Commission's previous decisions and independence.⁶⁹ These calls were ignored, as we now know, and Bennett's ELUC did precisely

⁶⁴ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0181, File 7, "Letter from F.C. Austin Pelton, ELUC Chair, to Ralph A. May, August 19, 1985", in [Appeal Hearing for May and Sons Limited: #02-O-84-18195], 1. Section 13(2) of the *Agricultural Land Commission Act* at this time read: "Where an application is received by the commission after September 27, 1977, and a person is refused leave to appeal, the person may, not later than 30 days after the refusal, apply in the prescribed manner to the minister for leave to appeal in the prescribed manner to the Environment and Land Use Committee." See: *Agricultural Land Commission Act* R.S.B.C. 1979, c 9, s 13 (2).

⁶⁵ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0181, File 7, "Certificate of Leave to Appeal Pursuant to Section 13(2) of the *Agricultural Land Commission Act*, signed by H.W. Schroeder April 30, 1985, in [Appeal Hearing for May and Sons Limited: #02-O-84-18195], 1.

⁶⁶ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0181, File 7, "Letter from I.D. Paton, Chair, British Columbia Agricultural Land Commission, to Hon. A. Pelton, Minister of the Environment; ELUC Chair," in [Appeal Hearing for May and Sons Limited: #02-O-84-18195], 1.

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*, 2.

that by allowing the club house facility to be retained in the ALR against the Commission's decision. I argue golf courses are a reason why cabinet appeals were abolished in 1993.⁷⁰

* * *

We have seen during Bill Bennett's government the expansion of cabinet appeals and by studying them we see how this government thought about specific areas of British Columbia. We also saw more opportunities for these appeals to go to an elected body. It is not wrong on its own to build a mega-mall in Nanaimo, to remove a large area of West Bank from the ALR, or to build a club house in Richmond, but are these things acceptable for a land use policy meant to save land from development? Is it right that by removing this land from the ALR, affected property were able to build on land formerly zoned as ALR? Or that these owners might get higher property values? The examples show the government taking a more pro-business turn, a stricter view of what "agriculture" was by removing ranching areas from the ALR, and disregarding Commission recommendations. Bennett's government was pro development, with "less government, fewer taxes, and fewer government restraints on capital."⁷¹ By studying ELUC decisions on the ALR, we see British Columbia's government acting in this pro-business way by approving land developments on land that was meant to be preserved in the ALR.

⁷⁰ Government of British Columbia PC. Order in Council 1141-1988, 1. *Golf Course Development Moratorium Act* S.B.C. 1992, c 8. *Cabinet Appeals Abolition Act* S.B.C. c 38. This is discussed in chapters 4 and 5.

⁷¹ Robert McDonald, "Photo Vignette: Restraining the Welfare State," *BC Studies* no. 200, (Winter 2019): 79.

Chapter 4: Gardening (and Cabinet Appeals) with Bill Vander Zalm—Premier and Richmond Amusement Park Proprietor: 1986-1991

This chapter argues that Bill Vander Zalm’s government used cabinet appeals to financially enrich the premier, his friends, and his Richmond constituents. In July 1984, after calling his cabinet colleagues in Bennett’s government “gutless” for dropping his proposed reforms to land use planning laws¹ and then being shifted out of Municipal Affairs and into Education, the “Zalm” briefly quit BC politics, purchasing an 8.5 hectare ALR-zoned property in Richmond near the Deas Tunnel for \$1.7 million dollars.² These reforms were part of the proposed *Land Use Act*, which would have stripped regional districts of their planning powers and abolished the Islands Trust. The act was Vander Zalm’s “pet project” for three years in the early 1980s; it was a “radical” piece of legislation that would have “introduced the concept of one-stop shopping for developers seeking quick zoning approvals for their projects” and it gave the Municipal Affairs minister the right to take over land use planning in areas that were not in a municipality.³ When asked what he thought Bill Bennett and other cabinet colleagues would say of the “gutless” comments, Vander Zalm said: “they [will] probably have to admit that [it is] the truth.”⁴

In August 1986, Vander Zalm returned to politics after Bill Bennett resigned and won the Social Credit leadership and the premiership. He then called an election, won a majority government, and in the five years following, proceeded to do almost nothing with it, at least on

¹It is also intriguing to think of Vander Zalm as a former federal *Liberal* candidate in the 1968 federal election, as this article also points out, because it is perhaps at odds with one might assume about a Canadian politician whose views ‘took no middle road.’ Please see: Rick Ouston, “Vander Zalm will be ‘Itching to get Back’: Voters Loved or Hated the Man Whose Views Took no Middle Road,” *Vancouver Sun*, April 2, 1983, B7.

² Graham Leslie, *Breach of Promise: Sacred Ethics Under Vander Zalm, Revised Edition*, (Madeira Park, BC: Harbour Publishing, 1991), 109.

³ Brian Kiernan, “‘Dead’ Land Use Act Still Kicking, Vander Zalm, NDP Critic Concur,” *Vancouver Sun*, September 15, 1982, A9.

⁴ Rick Ouston, “Vander Zalm will be ‘Itching to get Back’: Voters Loved or Hated the Man Whose Views Took no Middle Road,” *Vancouver Sun*, April 2, 1983, B7.

the ALR and ELUC fronts: there were no exceptional changes to *Agricultural Land Commission Act* and even when reforms occurred, the ELUC's and cabinet's role in ALR appeals went unchanged.⁵ The one significant regulation change, however, made it easier for golf courses to be developed in the ALR. This chapter focuses on two specific appeals that occurred during this government's tenure. They are both from Richmond. The first one is important because it helped cause Bill Vander Zalm's 1991 resignation and it shows the government helping a prominent developer by removing land from the ALR. The second appeal is important for golf courses in the ALR. In 1987, fifteen ELUC meetings in some capacity dealt with cabinet appeals,⁶ followed by six in 1988,⁷ nine in 1989,⁸ ten in 1990,⁹ and two in the first months of 1991,¹⁰ before Vander

⁵ The Vander Zalm government did pass a 'right to farm' law that shielded farmers from nuisance actions if they occurred on ALR land. *Agriculture Protection Act* S.B.C. 1989, c 19. Other reforms of some BC agricultural statutes from this government did not deal with the ALR. Please see: *Agriculture and Fisheries Statutes Amendment Act* S.B.C. 1988, c 31. The first ELUC of Vander Zalm's ministry was so ordered by: Government of British Columbia PC. Order in Council 1506-1986. Vander Zalm's ELUC was amended several times by the following orders: Government of British Columbia PC. Order in Council 1911-1986; Government of British Columbia PC. Order in Council 435-1987; Government of British Columbia PC. Order in Council 666-1987; Government of British Columbia PC. Order in Council 906-1987; Government of British Columbia PC. Order in Council 2268-1987; Government of British Columbia PC. Order in Council 1317-1988; Government of British Columbia PC. Order in Council 1375-1989; Government of British Columbia PC. Order in Council 1585-1989; Government of British Columbia PC. Order in Council 1692-1989; Government of British Columbia PC. Order in Council 25-1991. The reason why it got easier for persons get golf courses approved was because of the following order: Government of British Columbia PC. Order in Council 1141-1988. This order, which amended the ALR subdivision and non-farm use regulations, is explained more in this chapter in a golf course appeal that we first visited in chapter 3, above. See also: *Golf Course Redevelopment Moratorium Act* S.B.C. 1992, c 8. See also: Government of British Columbia PC. Order in Council 1392-1991, 1.

⁶ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series-GR-3676, Container 910449-0196 Files 25, 29, 30, 31, 32, 33; Container 910449-0197, Files 1, 6, 7, 14, 16, 18, 19, 25, 27.

⁷ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series-GR-3676, Container 910449-0197, Files 28, 29, 30, 32, 35, 36.

⁸ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series-GR-3676, Container 910449-0198, Files 4, 7, 8, 11, 14; Container 910449-0199, Files 11, 14, 17, 18.

⁹ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series-GR-3676, Container 910449-0199, Files 21, 22, 23, 24, 25, 26, 27, 28, 29, 30.

¹⁰ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series-GR-3676, Container 910449-0199, Files 31, 32.

Zalm resigned. This is a total of 42 ELUC meetings. Nineteen meetings were devoted to more than one appeal.¹¹

The Richmond property Bill Vander Zalm owned had an odd pre-Zalm history: the Insurance Corporation of British Columbia (ICBC) purchased it in 1973 for \$550,000; ICBC wanted to build a claims centre on the site.¹² The claims centre proposal was dropped because the land was included in the Greater Vancouver Regional District's ALR during the Barrett government's rollout of the *Land Commission Act, 1973*.¹³ The person who sold the property to Vander Zalm in July 1984 had purchased it in the late 1970s for \$451,000 and got approval from the Commission and Richmond council to develop a commercial nursery on the site and a "small area of display gardens" of plants and trees.¹⁴ Under this owner, a botanical show garden was developed on the site. In 1980, the owner sought to build a restaurant, gift shop, and garden supply shop on the property, but these plans were thwarted by the municipal council and the Commission.¹⁵ But in June 1982, Richmond council amended the relevant zoning bylaws, granting approval for these proposed additions—and the Commission, this time, agreed.¹⁶ When Vander Zalm purchased it in July 1984, the previous owner had added only one small building to the garden.¹⁷

¹¹ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0196 Files 25, 30, 31, 33; Container 910449-0197, Files 6, 16, 19, 27, 29; Container 910499-0198, File 14; Container 910449-0199, Files 11, 17, 23, 24, 25, 27, 28, 31, 32.

¹² Leslie, *Breach of Promise*, 109.

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*

Between September 1984 and November 1985, Vander Zalm, then a private citizen, got *fifteen* separate development approvals for the property from Richmond municipal council.¹⁸ In 1986, Vander Zalm applied to the Commission to have the land excluded from the ALR; this application was pending when he ran for the Social Credit leadership.¹⁹ Less than a month after he became premier, the southern section of the property was removed from the ALR.²⁰ The Commission was convinced that the northern part of the property, where the site's botanical garden was, might be used "for agricultural purposes in the future" and should therefore be retained in the ALR.²¹ But the agricultural possibilities were deemed "permanently eliminated" for the southern portion due to development, so this part was removed from the ALR.²² This exclusion allowed Richmond council to retroactively approve site-specific zoning changes for the property, done in October 1986, which allowed all of the previous developments the new premier had completed previously on this section of the property.²³ These changes also allowed Vander Zalm to lease the property's shops to other people too, causing a dramatic rise in property value: from \$800,000 to \$4.7 million dollars, in fact.²⁴ By April 1987, there were twenty-two commercial shops and eight restaurants operating on the property.²⁵ As premier, Vander Zalm actively promoted the property, even releasing a video, "Gardening with Bill Vander Zalm," filmed at this Richmond oasis²⁶ and gave media interviews there for marketing purposes.²⁷ When

¹⁸ This included: conservatory, bell tower, chapel, gazebo, barn, parking lot, animal shelter, Noah's Ark, railway station, hay and shavings building, mobile home, restaurant complex, fish and chips trailer, and a "barn and garden centre complex." Apparently some 25 buildings were built on the land in 1986. See: *Ibid.*, 110.

¹⁹ *Ibid.*

²⁰ *Ibid.* See also: BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0202, File 13, "Letter from British Columbia Agricultural Land Commission of August 22, 1986, to Fantasy Garden World Inc," in [Leave to Appeal Denied], 2.

²¹ *Ibid.*, 1.

²² *Ibid.*, 2.

²³ Leslie, *Breach of Promise*, 110.

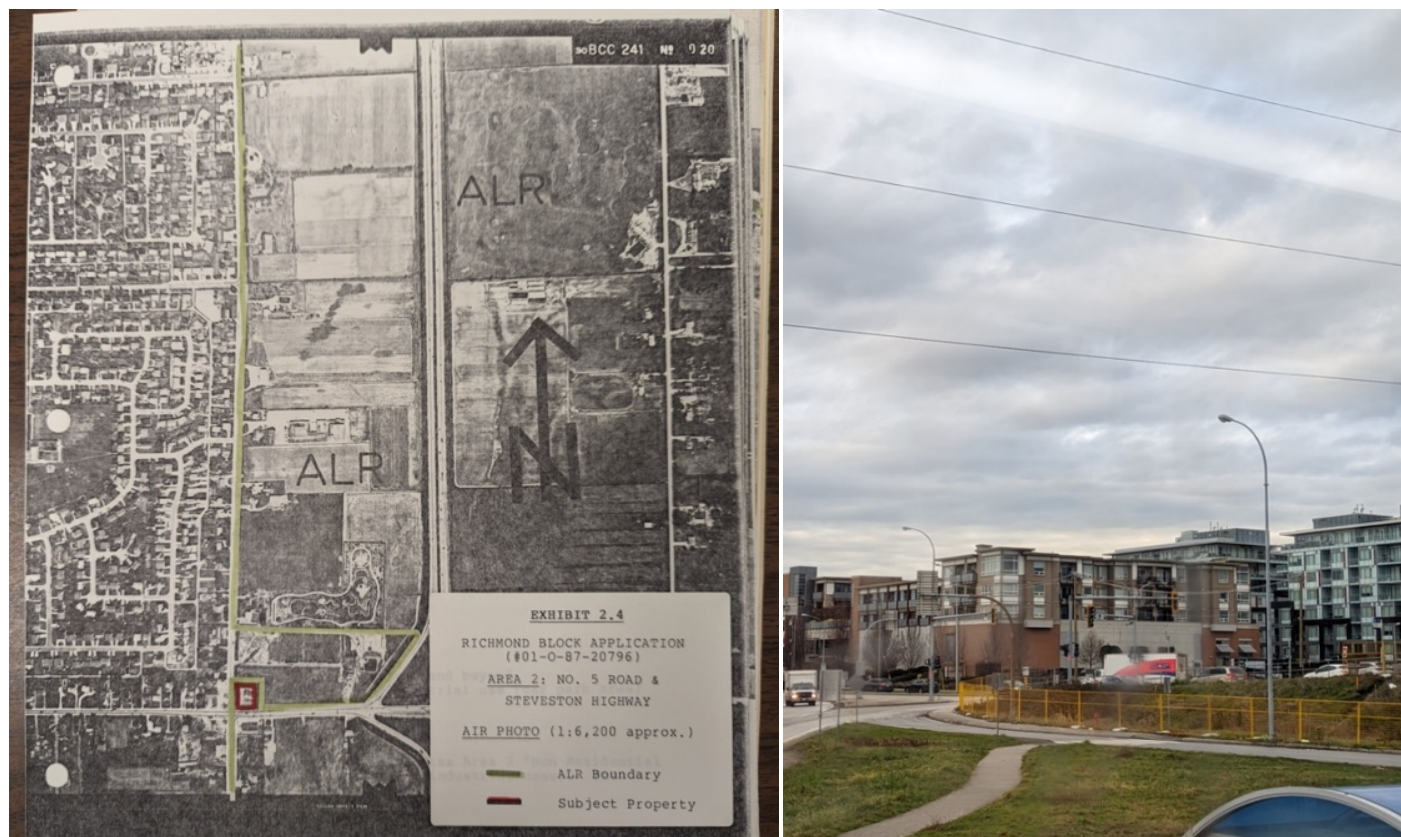
²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ *Ibid.*, 111.

²⁷ *Ibid.*, 112-113.

he took office as premier, Vander Zalm was also briefly the finance minister, but he resigned this role due to conflict of interest allegations: the government's banker, Canadian Imperial Bank of Commerce, held a \$2 million mortgage on Fantasy Garden World.²⁸



Left: area 2 under appeal.²⁹ The area is outlined in red while the ALR's boundaries are outlined in green. Right: Area 2 is the Camellia by the Gardens apartment development as of January 2024. I took this picture from the second deck of a bus while travelling home to Victoria.

The appeal that helped cause Vander Zalm's 1991 resignation concerned seven distinct areas of Richmond; two of these areas are considered here. In total, the appeal involved 115 legal

²⁸ Gordon Hamilton, "Vander Zalm: The Final Days: How Does Your Garden Grow?," *Vancouver Sun*, March 30, 1991, A5.

²⁹ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0189, File 34, "Exhibit 2.4: Air Photo 1:6,200" in "A Report Regarding the Richmond Block Application and Recommendations of the Agricultural Land Commission (Application Number 01-0-87-20796)," in [Application 01-0-87-20796, RD of Greater Vancouver], 2.4.

parcels and 287 hectares of ALR land.³⁰ The two key areas discussed here are dealt with backwards. The areas are area 2, a gas station south of Fantasy Garden World and area 1, the Terra Nova lands in northwest Richmond.³¹

Area 2 was the gas station south of Fantasy Garden World. A letter was sent from Vander Zalm's wife Lillian in August 1990 to the person that bought Fantasy Garden World. The letter said: "my husband, the premier, has arranged for meetings with government ministers." It also discussed the sale of an adjacent property, the gas station lot under appeal here, to the Fantasy Garden World purchaser. This letter was the focus of a report by British Columbia's first conflict of interest commissioner in which Vander Zalm was found to have violated conflict of interest rules with the sale of Fantasy Garden World.³² The person that bought the theme park "urgently" wanted to acquire the gas station lot too.³³ Vander Zalm mixed private business with public responsibilities and violated conflict of interest rules. He resigned after the report's publication.³⁴

The Commission had no issue with the cabinet removing the area from the ALR because it had "no agricultural capability" due to development.³⁵ The area was apparently so unsuitable

³⁰ Please see: BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0189, File 34, "Letter from British Columbia Agricultural Land Commission of March 19, 1987, to John L. Savage, Minister of Agriculture," in [Application 01-0-87-20796, RD of Greater Vancouver], 2-3.

³¹ The gas station was at the intersection of Steveston Highway and No. 5 Road and is, as of 2023, home to the "Camellia at The Gardens" apartment complex. For the apartment development that now sits on the former gas station, please see: "Camellia at the Gardens," Townline Developments, last accessed November 24, 2023, <https://www.townline.com/project/camellia-at-the-gardens> As of 2023, parts of area 1 are the Terra Nova Rural Park at 2631 Westminster Highway and the Terra Nova Natural Area at 2700 Westminster Highway. For the Terra Nova Rural park, please see: "Terra Nova Rural Park," City of Richmond, last updated September 12, 2023, <https://www.richmond.ca/parks-recreation/parks/parksearch/park.aspx?ID=80> For the Terra Nova Natural Area, please see: "Terra Nova Natural Area," City of Richmond, last updated September 12, 2023, <https://www.richmond.ca/parks-recreation/parks/parksearch/park.aspx?ID=41> Additional information on the location of the area is discussed below.

³² Gordon Hamilton, "Vander Zalm: The Final Days: How Does Your Garden Grow?," *Vancouver Sun*, March 30, 1991, A5.

³³ Leslie, *Breach of Promise*, 332, 335.

³⁴ Roxanne Egan-Elliott, "Ted Hughes, who Tackled BC's Toughest Problems, Dies at age 92," *Times Colonist*, January 19, 2020, A3.

³⁵ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0189, File 34, "Letter from British Columbia Agricultural Land Commission of March 19, 1987, to John L. Savage, Minister of Agriculture," in [Application 01-0-87-20796, RD of Greater Vancouver], 6.

for agriculture by March 1987 that its exclusion from the ALR was considered a housekeeping measure.³⁶ The premier had telephoned Petro Canada about the lot's price and was informed that the site could be bought at a set price without need for public tender.³⁷ Removing the gas station from the ALR could potentially increase its value before the sale.³⁸

³⁶ Ibid.

³⁷ Ibid., 335.

³⁸ Stobbe et al., "Farmland Preservation Verdicts," 557. "Speculation on land that developers believe has a high probability of being excluded can increase farmland values well beyond the agricultural returns from the land, thus undermining one of the main reasons for zoning—to keep agricultural land prices low for farmers."



Above: An aerial photograph of the area that became Fantasy Garden World in 1980. The photo is from before Bill Vander Zalm bought it. The gas station is visible at the bottom left corner at the intersection of the Steveston Highway with No. 5 Road (the intersection is partially pictured here at the bottom left).³⁹

³⁹ This image is from: British Columbia Air Photos, “bcc241/21, date: 1980-04-21, 10:50:00AM, flying height (m): 1890. Nominal scale: 1:6000,” last accessed July 5, 2024. <https://a100.gov.bc.ca/ext/mtec/public/products/airPhoto>



Above: Area 1 under appeal, the Terra Nova lands.⁴⁰

We are now dealing with area 1 of this same appeal from Richmond, which, though it did not help cause Bill Vander Zalm’s resignation, does show his government helping his friends and removing arguably some of the greatest agricultural land British Columbia has ever known from food production. The non-golf course part of this area (that is, the part that was excluded from the ALR), was so good for agriculture that it was “able to support a number of agricultural operations that need not be linked to [agricultural] operations in the other part of the

⁴⁰ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0189, File 34, “Exhibit 1.4: Air Photo 1:6,200” in “A Report Regarding the Richmond Block Application and Recommendations of the Agricultural Land Commission (Application Number 01-0-87-20796),” in [Application 01-0-87-20796, RD of Greater Vancouver], 1.4.

municipality.”⁴¹ The Commission considered the area to be “some of the finest agricultural land” in British Columbia and that “justification for exclusion [could not] be found from the standpoint of a community need and certainly not in terms of its suitability for agricultural use.”⁴² The land had previously been used as a peanut farm and a daffodil farm; by 1980, a few years before the appeal, beans, broccoli, cabbage, cauliflower, cucumbers, lo bok, peas, potatoes, pumpkins, squash, and turnips were “actively farmed” here.⁴³ For area 1, the Commission requested that none of the land be removed but the cabinet overruled this decision, ruling that the Quilchena Golf Course should remain in the ALR and the rest of the Terra Nova lands should be removed.⁴⁴ Why would a government remove such excellent ALR land from food production by taking it out of the ALR?

The reason why was to “predominantly” build housing.⁴⁵ Milan Ilich, a neighbour and “well-known supporter” of Bill Vander Zalm’s at Qualicum Beach on Vancouver Island, was a principal in Progressive Construction, a Richmond-based company that had a three-quarter interest in this area.⁴⁶ Progressive Construction paved “nearly every road” in Richmond and

⁴¹ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0189, File 34, “Letter from British Columbia Agricultural Land Commission of March 19, 1987, to John L. Savage, Minister of Agriculture,” in [Application 01-0-87-20796, RD of Greater Vancouver], 6.

⁴² Ibid.

⁴³ For the peanut and daffodil farm, please see: Leslie J. Ross, *Richmond: Child of the Fraser*, (Richmond, BC: Richmond ’79 Centennial Committee and Hemlock Printers, 1979), 143. For the crops growing on the area in 1980, see: BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0189, File 34, “Richmond Block Application (01-0-87-20796) Appendix 1 Exclusion Area Addendums: Area 1 Addendum-Terra Nova,” in [Application 01-0-87-20796, RD of Greater Vancouver], 2.

⁴⁴ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0189, File 34, “Letter of August 6, 1987, from Bruce Strachan, Chairman of the Environment and Land Use Committee to His Worship Mayor Gilbert Blair, Mayor of the Corporation of the Township of Richmond,” in [Application 01-0-87-20796, RD of Greater Vancouver], 1-2.

⁴⁵ *Save Richmond Farmland Society v. Richmond*, 1989 CanLII 2718 (BC CA)

⁴⁶ Leslie, *Breach of Promise*, 118. The Milan Ilich Pavilion, a hospital wing formerly called the Westminster Health Centre, opened at Richmond Hospital in 2014 after a \$10 million donation. Please see: Graeme Wood, “Milan Ilich Pavilion Officially Unveiled at Richmond Hospital,” *Richmond News*, last updated September 15, 2014, <https://www.richmond-news.com/local-news/milan-ilich-pavilion-officially-unveiled-at-richmond-hospital-2984801>

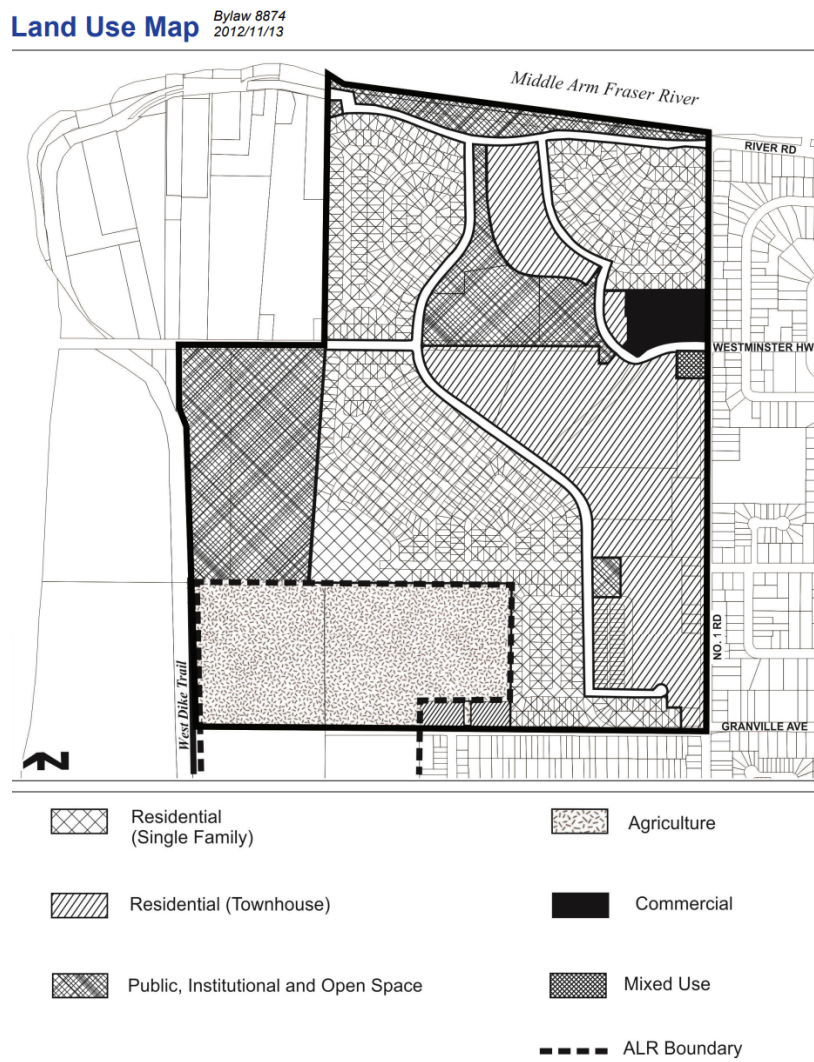
helped build “many” of its subdivisions too.⁴⁷ Olga Ilich, his wife, was Progressive Construction’s development manager and chair of the Richmond municipal planning advisory council that considered this application before it was forwarded to the municipal council and then the cabinet.⁴⁸ The exclusion of the Terra Nova lands, as part of this larger appeal for the seven spots in Richmond, helped build the community of Thompson which now has 2,435 single-detached homes, 65 semi-detached homes, 1,275 row houses, 350 apartment duplexes, and five movable dwellings.⁴⁹ One such home in Thompson built after the appeal in 1992, 5811 Musgrave Crescent, has an assessed value of over \$2.4 million as of 2023.⁵⁰

⁴⁷ Michelle Hopkins, “Remembering Milan Ilich,” *Richmond News*, last updated July 6, 2011, <https://www.richmond-news.com/local-news/remembering-milan-ilich-2945978>

⁴⁸ Leslie, *Breach of Promise*, 119. Olga Ilich was the MLA for Richmond Centre and a minister in the B.C. Liberal government of Gordon Campbell from 2005 to 2009. Olga was also appointed by then-Vancouver mayor Gregor Robertson to a new task force on housing affordability in *December 2011*. Please see: Yolande Cole, “Former B.C. Cabinet Minister Olga Ilich Appointed to Vancouver Housing Task Force,” *Georgia Straight*, last updated December 12, 2011, <https://www.straight.com/news/former-bc-cabinet-minister-olga-ilich-appointed-vancouver-housing-task-force> Current Vancouver mayor Ken Sim announced a new plan to address the city’s housing crisis in late 2023; this plan includes seven items and gives “clear direction to city staff to prioritize the construction of new housing in Vancouver.” Please see: Amy Judd, “Vancouver Mayor Outlines Plan to Address City’s Housing Crisis,” *Global News*, last updated October 13, 2023, <https://globalnews.ca/news/10017519/vancouver-city-housing-crisis/>

⁴⁹ Valerie Leung, “Thompson Community Unique for its Variety of Housing: Dunfee,” *Richmond News*, last updated June 3, 2024, <https://www.richmond-news.com/in-the-community/thompson-community-unique-for-its-variety-of-housing-dunfee-8805761>

⁵⁰ “5811 Musgrave Cres Richmond V7C 5N6,” BC Assessment, Find Your Property Assessment, last accessed June 28, 2024. <https://www.bcassessment.ca/Property/Info/QTAwMDA1WEY3Mg> ==



Above: A map of Thompson in Richmond showing land use designations. The map shows most of the area is now single-family residences and townhouses. The small section of agriculture at the bottom is part of the Quilchena Golf Course.⁵¹

The appeal was unsuccessfully challenged in two different legal cases: the first, from 1988, attacked the perceived conflict of interest involving Progressive Construction for the Terra Nova lands; the second, from 1989, was about a Richmond councillor apparently having made

⁵¹ “Land Use Map: Bylaw 8874 2012/11/13,” in Richmond Official Community Plan: Thompson Area Terra Nova Sub-Plan Bylaw 7100 Schedule 2.2B, 17. https://www.richmond.ca/_shared/assets/terra_nova569.pdf

up his mind about forwarding the full appeal to the cabinet before public consultations.⁵² The second case was eventually settled at the Supreme Court of Canada in 1990.⁵³

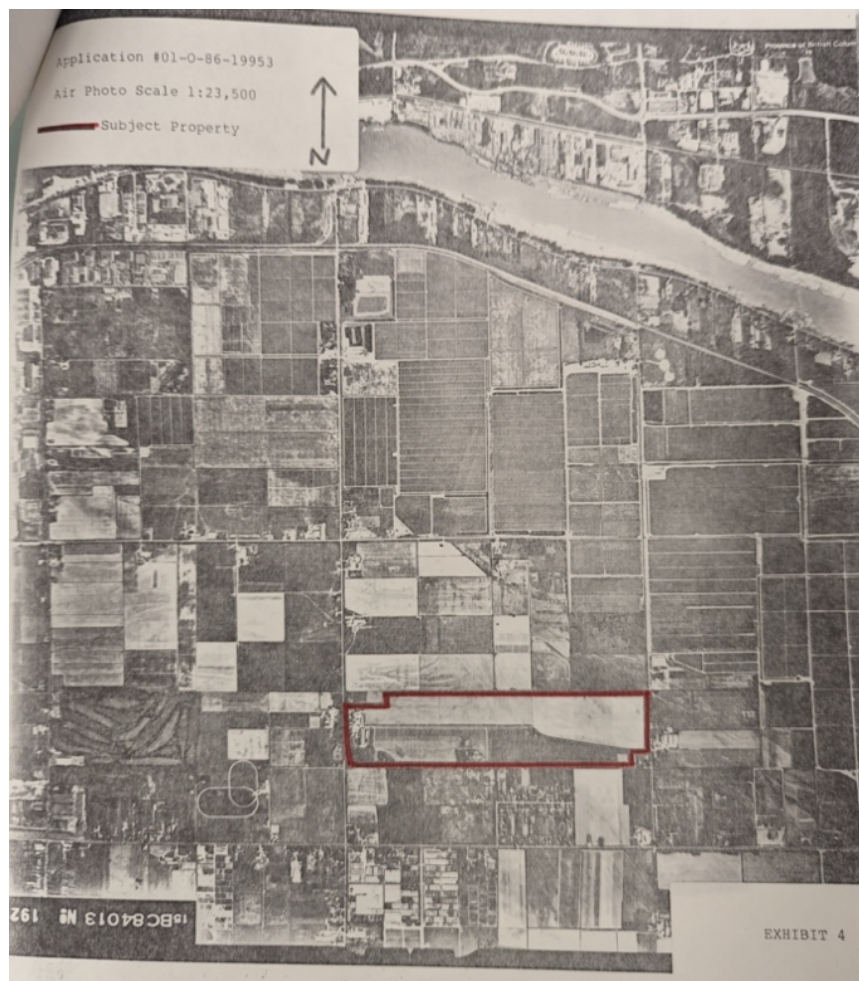
The cabinet appeal is very significant for Bill Vander Zalm's resignation because the sale of Fantasy Garden World together with the adjacent Petro Canada lot only worked because of the cabinet's exclusion of this second property from the ALR.⁵⁴ This same appeal is also important because the exclusion of the Terra Nova lands in northwest Richmond, some of the best agricultural land in British Columbia, was removed to benefit a Richmond developer that Vander Zalm knew; the premier "may or may not have"⁵⁵ benefitted from the decision to remove this part of Richmond from the ALR, but at bottom both examples of poor government ethics have been revealed by a cabinet appeal for ALR land. These were not, however, the only examples.

⁵² *Save Richmond Farmland Society Western Can. Wilderness Committee v. Richmond (Township)*, 1988 CanLII 3323 (BC SC)

⁵³ *Save Richmond Farmland Society v. Richmond*, 1989 CanLII 2718 (BC CA); *Save Richmond Farmland Society v. Richmond (Township)*, 1990 CanLII 1132 (SCC), [1990] 3 SCR 1213

⁵⁴ The appeal for seven spots in Richmond, two of which we have discussed here, was decided by the cabinet as it was pursuant to section 11 (1) of the *Agricultural Land Commission Act*. See: Government of British Columbia PC. Order in Council 1618-1987, 1. The section at this time read: "The Lieutenant Governor in Council may, on his own, on application of a municipality or regional district for land within its territory or on application of the commission, exclude land from a reserve, on the terms he considers advisable." See: *Agricultural Land Commission Act* R.S.B.C. 1979, c 9, s 11 (1).

⁵⁵ Leslie, *Breach of Promise*, 119.



Above: the area under appeal in Richmond in 1987, outlined in red.⁵⁶

The second appeal we are considering during Vander Zalm’s government shows the importance of golf courses in the ALR. It also shows how, with cabinet appeals, the ALC’s decisions were never final. After Bill Bennett’s ELUC upheld the decision to refuse the exclusion of this Richmond property in 1985 but allowed the club house facility to remain in the ALR,⁵⁷ the owners returned to the cabinet in 1987 to get the whole of their property, some sixty hectares,

⁵⁶ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0189, File 16, “Enclosure 4: Air Photo 1:23,500 to Letter of June 30, 1986, from British Columbia Agricultural Land Commission to The Honourable T. Waterland, Minister of Agriculture and Food,” in [Application #01-0-86-19983], no page.

⁵⁷ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0181, File 7, “Letter from F.C. Austin Pelton, ELUC Chair, to Ralph A. May, August 19, 1985,” in [Appeal Hearing for May and Sons Limited: #02-O-84-18195], 1.

approved for an 18-hole golf course, recreational clubhouse, pro shop, and parking lot.⁵⁸ Vander Zalm's government allowed this development to occur.⁵⁹ The course, Mayfair Lakes Golf & Country Club, was completed in 1989.⁶⁰

It was *known* to the government that this application looked horrid: there were few, “if any, technical reasons for approving” it, it would be “difficult to defend,” and it would “seriously undermine” the Commission’s credibility.⁶¹ This application was probably linked to the Terra Nova appeal too: the Quilchena Golf Club was looking to relocate to this site if the application was approved.⁶² Finally, previous and current MLAs had actively lobbied for the application, a “purely political” one without any good technical arguments for supporting it except the one advanced by Richmond council: it would be beneficial for Richmond residents to have a golf course.⁶³ When the application was considered, the opinion of the premier was specifically sought because “the area lies within his constituency.”⁶⁴

The ELUC’s subsequent actions made it easier for golf courses to be built. John Savage, formerly a Richmond councillor, entered provincial politics and was appointed to the ELUC in

⁵⁸ Mayfair Lakes Golf Course in Richmond at 5460 No. 7 Road, Richmond. Please see: “Location & Contact,” Mayfair Lakes Golf & Country Club, last accessed November 27, 2023, <https://www.mayfairlakes.com/about/location>

⁵⁹ Government of British Columbia PC. Order in Council 1061-1987, 1-2. The order was approved by the cabinet with the approval of the municipality and was pursuant to section 11(2) of the *Agricultural Land Commission Act*, which at this time read: “The Lieutenant Governor in Council may, on the application of a municipality or regional district for land within its territory, or of the commission, without excluding the land from a reserve, grant permission on any terms he considers advisable for other than farm use subject to compliance by the owner or occupier with the applicable Acts, regulations, bylaws of the municipality or regional district, and the decisions and orders of any person or body having jurisdiction over the land under and enactment.” *Agricultural Land Commission Act* R.S.B.C. 1979, c 9, s 11 (2).

⁶⁰ “The Golf Course,” Mayfair Lakes Golf Club, last accessed December 18, 2023, https://www.mayfairlakes.com/golf_course

⁶¹ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0189, File 16, “Briefing Note: ALR Application 01-0-86-19953—May & Sons, of February 20, 1987,” in [Application #01-0-86-19983], 2.

⁶² *Ibid.* This is why the golf course example is given second here, as the Mayfair Lakes course was not yet built when the Terra Nova appeal occurred.

⁶³ *Ibid.*

⁶⁴ *Ibid.*, 3.

November 1986.⁶⁵ Savage signed the order approving the Mayfair Lakes course.⁶⁶ While on Richmond council, Mr. Savage purchased a 25% share of a Delta cornfield he owned with his parents and brother. This property cost \$250,000 and his stake in the property only became public when it was put up for sale with an asking price of \$1.6 million, with two real estate agents for the family saying this large price reflected the development potential of a *golf course*, not agricultural land.⁶⁷ In June 1988, perhaps to lessen the amount of golf course-induced trauma for the cabinet, an order was passed changing the *Agricultural Land Commission Act's* regulations to allow golf courses, pitch and putt courses, and driving ranges as *permitted uses* within the ALR subject to terms the *Commission* considered advisable.⁶⁸ This is strange because it occurred after the Bennett government, of which Vander Zalm was a minister, removed golf courses from the list of permitted uses in 1981.⁶⁹ It is also strange because the government's own civil servants were telling them the regulation change was incoherent policy: "golf courses are not a farm use, they are a commercial recreation use and except for the fact that they remain 'green', are no more likely to go back to food production than is a *waterslide*."⁷⁰ The order also allowed restaurants, clubhouses, pro shops and "similar ancillary facilities necessary for golf purposes" into the ALR as considered appropriate by the Commission.⁷¹ The ELUC was advised

⁶⁵ Government of British Columbia PC. Order in Council 1911-1986, 1. Leslie, *Breach of Promise*, 100.

⁶⁶ Government of British Columbia PC. Order in Council 1061-1987, 1.

⁶⁷ Leslie, *Breach of Promise*, 101.

⁶⁸ Government of British Columbia PC. Order in Council 1141-1988, 1.

⁶⁹ Government of British Columbia PC. Order in Council 30-1981, 1.

⁷⁰ Underlined in original; italics mine. BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0197, File 32, "Letter of March 30, 1988, from Jamie Alley, Secretary, Environment and Land Use Committee, to All Members of the Environment and Land Use Committee: Re: Golf Courses in the Agricultural Land Reserve," in [ELUC Meeting: April 5, 1988], 1.

⁷¹ Government of British Columbia PC. Order in Council 1141-1988, 1.

that this would assist the development of new golfing facilities and that it was expected to be strongly supported by local governments and landowners while being opposed by farmers.⁷²

By removing the ALC's authority to reject golf courses, Minister of Agriculture and Fisheries and ELUC member John Savage ensured the increase in value of his own property.⁷³ Before the change occurred, the ELUC also heard a presentation on the merits of golf tourism, and subsequently reported that "there is a reasonable supply of courses which are [underused] but this capacity should be used up with greater marketing efforts. New courses are *particularly* needed in the Lower Mainland and there are individuals who are willing to invest in their development."⁷⁴

The Commission's decisions were of little consequence during Social Credit's sixteen years in government anyway because they could be overruled by ELUC or the cabinet whatever the agricultural merit of an application. The building of Mayfair Lakes and the golf course regulation change show this, as the then-chair of the Commission even spoke out about this order in 1990, saying the government should not have made this regulation change and that he was surprised that the Ministry of Agriculture did not include guidelines to municipalities for deciding these redevelopment requests.⁷⁵ This regulation change, whether it was done because of a genuine interest in giving control over these land use decisions to the Commission or an interest in golf courses, caused trouble for Mike Harcourt's cabinet upon election in 1991 and

⁷² BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0197, File 37, "Minutes of the Environment and Land Use Committee held at 10:30am on Tuesday, June 14, 1988, in Cabinet Chambers, Victoria," in [ELUC Meeting: June 14, 1988], 1.

⁷³ Leslie, *Breach of Promise*, 101.

⁷⁴ [Emphasis added]. BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0197, File 33, "Minutes of the Environment and Land Use Committee Meeting held at 10:30am on Tuesday, May 17, 1988, in Cabinet Chambers, Victoria," in [ELUC Meeting: April 12, 1988], 1.

⁷⁵ Larry Pynn, "ALR Boss Takes Swing at Golfing on Farmland," *Vancouver Sun*, February 24, 1990, B8.

was rescinded by that government; this is later argued to be an immediate reason why ALR appeals were abolished in 1993.⁷⁶

Whatever the Commission's protests about the Mayfair Lakes golf course, its views on the project were effectively meaningless due to cabinet appeals. These appeals allowed decisions to be made that were antithetical to the Commission's basic purpose.⁷⁷ For other policies it may be sensible to have an administrative tribunal be regularly overruled but it is quite difficult, as we have seen, to turn a golf course back to agriculture after building it.

* * *

Vander Zalm's government made several decisions that were beneficial to the premier, the premier's friends, and the premier's constituents. Cabinet appeals are key examples of these decisions. This government did not do much to the *Agricultural Land Commission Act*, but the decisions it made about ALR land are significant and demonstrate that even working within the same regulatory framework, a different government can wield the tools of government differently. The premier's 1991 resignation was prompted by an appeal for ALR land. The second appeal, also from Richmond, shows the ALC's decisions and mandate to protect agricultural land was meaningless because Vander Zalm was consulted on whether he wanted a golf course to be built in his constituency, which he evidently did. The Richmond golf course example is also important for showing corruption in British Columbia's government: John Savage, who financially benefitted from the sale of ALR land, signed the order approving the Mayfair Lakes course in his capacity as Minister of Agriculture and Fisheries.⁷⁸

⁷⁶ This is discussed in chapter 5 below. Government of British Columbia PC. Order in Council 1392-1991, 1.

⁷⁷ *Agricultural Land Commission Act* R.S.B.C. 1979, c 9, s 7: "7. It is the object of the commission to (a) preserve agricultural land; (b) encourage the establishment and maintenance of farms, and the use of land in an agricultural land reserve compatible with agricultural purposes; and (c) assist municipalities and regional districts in the preparation of land reserve plans required under this Act."

⁷⁸ Government of British Columbia PC. Order in Council 1061-1987, 1.

Chapter 5: Mike Harcourt's Government and the "Abolition" of ALR Cabinet Appeals, 1991-1994

For one commentator, after Mike Harcourt's NDP government won election in 1991, the words 'Social Credit' were reduced to a "pejorative epithet that could prompt embarrassment or ridicule" in British Columbia. The words were now "a reminder of conflict of interest, kickbacks, lying under oath and other forms of corruption."¹ The new government "spurned putters for plowshares" with the newly-appointed Minister of Agriculture Bill Barlee arguing that prime farmland had been "eroded" by the Vander Zalm government's golf course regulation change and that the new government would rescind this change.² According to the ALC's general manager at this time, 170 applications were made for golf courses from 1988 to 1991 affecting 800 acres of land.³ Barlee also said that "appeals of the Commission's rulings on the ALR should no longer be taken to cabinet. 'There will be an appeal process but not through the political side.'"⁴

Harcourt's government significantly reformed the ALR and, as is argued here, it severely limited a landowner's ability to increase their property values by removing land from the ALR.. We are dealing with three appeals from Mike Harcourt's government. This will take us to the Okanagan at a church property in Summerland, to a farm south of the Kelowna Airport, and to the outskirts of Oliver. This government rescinded the Vander Zalm government's golf course order. The government then started amending the *Agricultural Land Commission Act*. First, the

¹ Daniel Gawthrop, *Highwire Act: Power, Pragmatism, and the Harcourt Legacy*, (Vancouver, BC: New Star Books, 1996), 21-22.

² Justine Hunter, "NDP Spurns Putters for Plowshares," *Vancouver Sun*, November 7, 1991, 21.

³ Ibid.

⁴ Ibid.

Golf Course Development Moratorium Act, 1992 was passed; then some additional small ALR application reforms were made in 1992; it then technically abolished cabinet appeals in 1993; and reformed the *Agricultural Land Commission Act* more substantially in 1994.⁵ Harcourt's government dealt with appeals at only five meetings.⁶ There were two meetings where more than one appeal was dealt with.⁷

Many of the golf course-related applications came from the Lower Mainland, the area with 55% of the province's total agricultural production value: Delta had 12 applications involving 1,855 acres and Surrey had 10 involving 2,010 acres, for example, and "the majority" of these applications were on land that had actively been farmed previously.⁸ Most of these applications were stopped under the *Environment and Land Use Act*.⁹ These changes were consolidated when the *Golf Course Development Moratorium Act, 1992*, passed.¹⁰ This act set out which applications, 42 in all province-wide, were approved and also explained that all other applications being considered by the Commission were cancelled.¹¹

To try and "renew the focus" of the Commission, a February 1992 briefing note set out that though the ALR was largely successful at preserving agricultural land over its twenty-year

⁵ For the golf course regulation rescission, see: Government of British Columbia PC. Order in Council 1392-1991, 1-2. See also: *Golf Course Development Moratorium Act* S.B.C. 1992, c 8; *Agriculture, Fisheries and Food Statutes Amendment Act* S.B.C. 1992, c 29; *Cabinet Appeals Abolition Act* S.B.C. 1993, c 38; *Agricultural Land Commission Amendment Act* S.B.C. 1994, c 25. Harcourt's ELUC was first ordered by: Government of British Columbia PC. Order in Council 1388-1991, 1.

⁶ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series-GR-3676, Container 910449-0200, File 19, 23, 25; Container 910449-0201, Files 1, 2.

⁷ BCA, British Columbia Cabinet Committee Meeting Case Files, Series GR-3676, Container 910449-0200, Files 19, 23.

⁸ BCA, British Columbia Cabinet Committee Meeting Case Files, Series GR-3676, Container 910449-0200, File 16, "Cabinet Submission from the Ministry of Agriculture, Fisheries and Food of November 12, 1991: Golf Course Development Moratorium," in [ELUC Meeting: November 12, 1991], 2.

⁹ Government of British Columbia PC. Order in Council 1392-1991, 1-2. The moratorium regulation was further amended in 1991 and 1992 four times: Government of British Columbia PC. Order in Council 1437-1991, 1-3; Government of British Columbia PC. Order in Council 1631-1991, 1-2. Government of British Columbia PC. Order in Council 530-1992, 1-2; Government of British Columbia PC. Order in Council 531-1992, 1-3.

¹⁰ *Golf Course Development Moratorium Act* S.B.C. 1992, c 8.

¹¹ For the part about 42 applications being approved, see: *Golf Course Development Moratorium Act* S.B.C. 1992, c 8, s4(1). For the act explaining that all other pending applications were cancelled, see: *Ibid.*, s 5.

existence, the growth of urban centres in the Fraser Valley, the Okanagan, and on Vancouver Island put pressure on the province's "best land with fertile soils and temperate climates."¹² This renewed focus was expressed with the *Agriculture, Fisheries and Food Statutes Amendment Act, 1992*; the *Cabinet Appeals Abolition Act, 1993*; and the *Agricultural Land Commission Amendment Act, 1994*. Cabinet appeals for the ALR were abolished in 1993, as they were additional statutes too.¹³ This effectively gave all control over ALR decisions to the Commission as it abolished the full cabinet's role in applications from municipalities and regional districts through amendments to the *Agricultural Land Commission Act*.¹⁴ The ELUC's role was entirely eliminated from ALR appeals and hereafter only the Commission was responsible for applications for the inclusion, exclusion, non-farm use, or subdivision of land.¹⁵ The only role remaining for the full cabinet was in cases the cabinet deemed to be in the "provincial interest," which it could then refer to the Environmental Assessment Board.¹⁶ This "provincial interest"-

¹² All of the appeals that have been dealt with in this thesis are from these three areas... BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0200, File 22, "Executive Summary from the Ministry of Agriculture, Fisheries and Food and the Agricultural Land Commission of February 28, 1992: The Agricultural Land Commission in the 1990s: Renewing the Public Trust," in [Joint CCSD/ELUC Meeting March 12, 1992], 1.

¹³ For the *Agricultural Land Commission Act* specific repeals and amendments within the *Cabinet Appeals Abolition Act*, see: *Cabinet Appeals Abolition Act* S.B.C. 1993, c 38, ss 1-5; for the *Coal Act's* appeal repeal, see: *Ibid.*, ss 6-7; for the *Company Act's* changed appeal procedures, see: *Ibid.*, ss 8-9; for provisions affecting the *Creston Valley Wildlife Act*, see *Ibid.*, s 10; for repeal of the *Hospital District Act's* appeal procedures, along with the *Mineral Land Tax Act* and *Mineral Tenure Act*, see *Ibid.*, ss 11-14; for the changed appeal procedures of the *Motor Carrier Act*, see *Ibid.*, ss 15-22; for changes to the *Municipal Act*, see: *Ibid.*, ss 23-26; for the shifting away from a cabinet to a court appeal under the *Mutual Fire Insurance Companies Act*, see: *Ibid.*, s 27; for the changed appeal procedures of the *Name Act*, see *Ibid.*, s 28; for the changed appeal procedures in the *Natural Gas Price Act*, see: *Ibid.*, s 29; for the repeal of *Park Act* appeals, see: *Ibid.*, s 30; for the shifting from cabinet to court appeals under the *Petroleum and Natural Gas Act*, see: *Ibid.*, s 31; and for the changed appeal procedures for the *Soil Conservation Act*, see: *Ibid.*, ss 32-33.

¹⁴ *Ibid.*, ss 1-4.

¹⁵ *Ibid.*

¹⁶ *Ibid.*, s 5. Future ALR research could well focus on the cabinet's role in ALR applications after 1993. The Environmental Assessment Board was created under the *Environmental Management Act*, 1981, an independent tribunal with similar powers and composition to the Agricultural Land Commission. Please see: *Environmental Management Act* S.B.C. 1981, c 14, s 11. The reason the Environmental Appeal Board was like the Agricultural Land Commission is because both had 'hearing' powers under sections 12, 15, and 16 of the *Inquiry Act*. See: *Ibid.*, s 11(9); *Agricultural Land Commission Act* R.S.B.C. 1979, c 9, s 9(6); *Inquiry Act* R.S.B.C. 1979, c 198, ss 12, 15, 16. For the preceding enactments, see: *Land Commission Act* S.B.C. 1973, c 46, s 9; *Public Inquiries Act* R.S.B.C. 1960, c 315.

only role for the cabinet and the ELUC had been contemplated by the Ministry of Agriculture in November 1981, some twelve years previously, but went nowhere during Social Credit's administration of the ALR.¹⁷ A judicial appeal to the British Columbia Supreme Court, however, remained: an owner of land aggrieved by an order of the ALC refusing permission for a non-farm use or dissatisfied with the terms the ALC imposed on a development could appeal to the court.¹⁸

In 1994, a significant change to the *Agricultural Land Commission Act* occurred: the Commission could enter agreements to have municipalities or regional districts deal with applications for the non-farm use and subdivision of ALR land:

9. The following sections are added:

Delegation of section 20 powers to municipalities and regional districts

20.1 (1) The commission may enter into an agreement with a municipality or regional district to enable the municipality or regional district to exercise some or all of the commission's power to decide applications under section 20 with respect to lands within the municipality or regional district.¹⁹

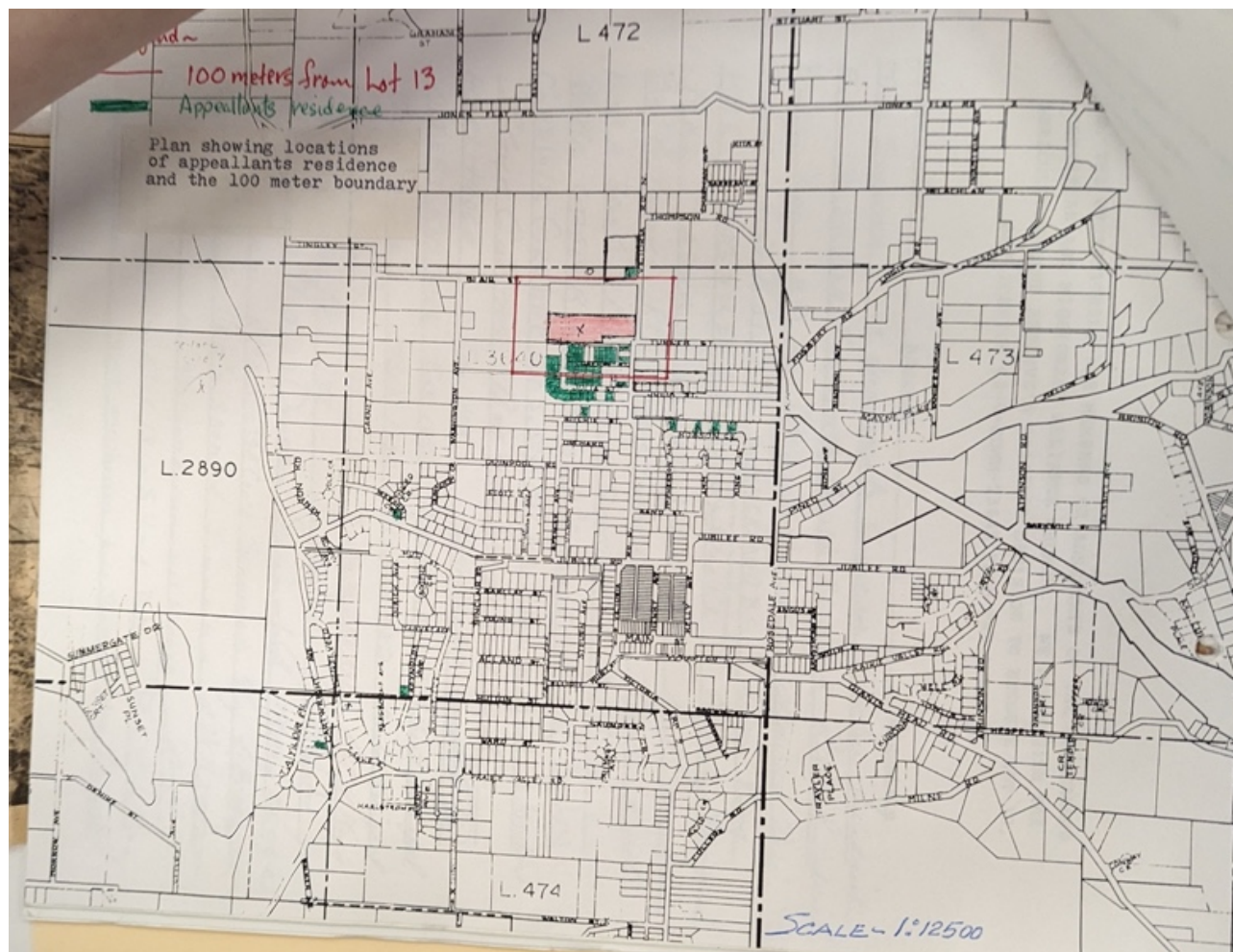
It is not that there was *less* government involvement with the ALR appeal process, but rather that responsibility shifted away from the cabinet. The purposes of the Commission were amended too: it was now to "encourage municipalities, regional districts, first nations and *ministers*,

¹⁷ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0024, File 7, "A Review of the Agricultural Land Commission Act, November 1981" in [Regional Policies: the ALR Appeal Process], 17. While on proposed reforms of the Bennett government involving the "provincial interest," one should also note that with Bill Vander Zalm's unsuccessful reform of BC's land use planning laws, the ELUC seemingly would have set what was in the "provincial interest" for each municipality and regional district and these local governments would then work to implement said plans. This was proposed to "encourage *rational* coherent land planning aimed at accomplishing both short and long term goals set by the province. Land use decisions will be made within a general framework, not on a piecemeal basis" [emphasis mine]. This is one reason why I focus on individual appeals in detail: the ALR was constantly being implemented in a piecemeal fashion through appeals. Please see: BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0024, File 3, "Briefing Note: Land Use Act: May 29, 1980" in [Land Use Act: 1980], 1; See also: "Farmland Preservation," *Victoria Times*, July 21, 1978, 4.

¹⁸ *Agricultural Land Commission Act* R.S.B.C. 1996, c 10, s 27 (1). It reads: "(1): An owner of land, aggrieved by an order of the commission refusing permission for a use other than a farm use or imposing terms on permission for that use, may appeal, on a question of law or excess of jurisdiction only, by way of stated case to the Supreme Court. For the preceding provisions, see: *Agricultural Land Commission Act* R.S.B.C. 1979, c 9, s 21; *Land Commission Act* S.B.C. 1973 c 46, s 11 (5).

¹⁹ *Agricultural Land Commission Amendment Act* S.B.C. 1994 c 25, s 9.

ministries, and agents of the government of British Columbia or Canada to support... farm use of agricultural land....”²⁰ It appears that the absence of such a provision previously, along with the appeal role for the ELUC and cabinet, contributed to different wings of government making contradictory decisions—so it makes sense giving the Commission more ability to harmonize the competing land use concerns of different wings of BC’s government.



Above: This map shows the area under appeal in Summerland located in red and the location of the appellants; these appellants are outlined in green.²¹

²⁰ [Emphasis added]. It is somewhat mind-numbing that this was added *after* cabinet’s role in ALR appeals was mostly eliminated already. *Agricultural Land Commission Amendment Act* S.B.C. 1994, c 25, s 9.

²¹ For the map showing the area of Summerland under appeal here, please see: BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0201, File 2, “Plan Showing Appellants Residences and the 100 Metre Boundary, Scale 1:125,000,” in [ELUC Meeting: December 14, 1992], no page.

The first appeal of the Harcourt government I consider here concerns a 1.4 hectare property owned by a church organization in the Okanagan community of Summerland on Victoria Road North.²² The organization wanted to build a church and social housing but nearby property owners wanted the land to remain in the ALR for farm uses.²³ The *Commission* suggested the lot be conditionally removed from the ALR for the project but then two members reconsidered their own decision and granted the adjacent owners leave to appeal to the ELUC to plead their case that the land should remain in the ALR.²⁴ The ELUC accepted the appeal from the nearby owners, keeping the land in the ALR and for farm uses; the appeal was decided by Harcourt's ELUC in December 1992.²⁵ Keeping the land in the ALR has contributed to a still-unfolding fight over housing in Summerland. This appears to have been a difficult appeal as the property, a former orchard, was on the "northerly boundary of the existing residential area," and also next to a single-family dwelling.²⁶ Summerland council was in favour of the application as it apparently had no other adequate church sites available and it wanted to encourage medium

²² BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0201, File 2, "Minutes of the Environment and Land Use Committee Meeting of December 14, 1992," in [ELUC Meeting: December 14, 1992], 1.

²³ For more on the proposed development information, please see: BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0201, File 2, "Summary Information Sheet: Application #02-V-Summ-23645," in [ELUC Meeting: December 14, 1992], 1.

²⁴ For the Commission granting appeal to Harcourt's ELUC please see: BCA, British Columbia Cabinet Committee Meeting Case Files, Series GR-3676, Container 910449-0201, File 2, "Certificate of Leave to Appeal Pursuant to Section 13(1) of the Agricultural Land Commission Act Re: Application #02-V-Summ-23645 dated May 19, 1992, signed by two members of the Agricultural Land Commission," in [ELUC Meeting: December 14, 1992], 1. Section 13(1) of the *Agricultural Land Commission Act* at this time read: "A person who is dissatisfied with the decision of the commission on an application for exemption, on being granted leave to appeal by any 2 members of the commission, may appeal in the prescribed manner to the Environment and Land Use Committee under the *Environment and Land Use Act*. See: *Agricultural Land Commission Act* R.S.B.C. 1979, c 9, s 13(1).

²⁵ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0201, File 2, "Minutes of the Environment and Land Use Committee Meeting of December 14, 1992," in [ELUC Meeting: December 14, 1992], 1.

²⁶ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0201, File 2, "Summary Information Sheet: Application #02-V-Summ-23645," in [ELUC Meeting: December 14, 1992], 1.

density residential development near the downtown core, a mere 900 metres away.²⁷ The Alliance Church was subsequently built in 2002.²⁸

The area under appeal was right on the divide between urban land uses to the south and agriculture to the north, west, and east.²⁹ There were also two other churches 90 and 300 metres away from the property.³⁰ In 2019, the church returned, unsuccessfully, to Summerland council looking to build 24 units of housing and as such it would collect property tax exemptions for 2023 through 2026, as would the two other nearby churches too because these churches have excess lands that are not used for anything.³¹

²⁷ For Summerland's comment on lack of church sites and inadequate space for developing higher density housing, see: BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0201, File 2, "Summary Information Sheet: Application #02-V-Summ-23645," in [ELUC Meeting: December 14, 1992], 2. For the point about the property being 900 metres away from Summerland's downtown, see: BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0201, File 2, "Executive Resume: Application #02-V-Summ-23645 Rebuttal to Appeal by J. & M. Bouthillier; D. and L. Borley," in [ELUC Meeting: December 14, 1992], 1.

²⁸ "Steel Church Building in Summerland, British Columbia," Sunward Steel Buildings, last accessed December 5, 2023, <https://sunwardsteel.com/canada/british-columbia/summerland/steel-church-building-bc/>

²⁹ To the north was a "residential [and] hobby-orchard parcel" within the ALR's boundaries but since it was less than two acres in size this was not subject to the Agricultural Land Commission Act; there was also a two hectare orchard in the ALR to the north; to the east across Victoria Road was a 3.8 hectare orchard within the ALR; to the south was the single family residential area; and to the west was a 3.8 hectare orchard within the ALR. See: BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0201, File 2, "Summary Information Sheet: Application #02-V-Summ-23645," in [ELUC: Meeting: December 14, 1992], 1.

³⁰ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0201, File 2, "Photograph 1 dated September 16, 1992, illustrating the St. John's Lutheran Church at Blair St/Victoria Rd. N-only 90 meters north of subject property. Fruit orchards are on two boundaries and across Victoria Rd but with no conflict between differing land uses," in [ELUC Meeting: December 14, 1992], no page. BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0201, File 2, "Photograph 2 dated September 16, 1992, showing the Pentecostal Church on Julia St. only 300 meters from subject property and surrounded by residential land uses with no apparent conflict," in [ELUC Meeting: December 14, 1992], no page.

³¹ For the church's 2019 return to Summerland council, see: Colin Dacre, "Affordable Rentals at Council," *Castanet*, last updated January 25, 2019, <https://www.castanet.net/news/Penticton/247692/Affordable-rentals-at-council>; For the property tax relief, see: John Arendt, "Summerland Churches Receive Property Tax Relief," *Kelowna Capital News*, last updated August 26, 2022, <https://www.kelownacapnews.com/news/summerland-churches-receive-property-tax-relief-3233362>



Above: An area north of Kelowna in the Ellison Valley under appeal. The subject property is in red and the ALR is in green.³²

The second appeal I am considering from Mike Harcourt's government is from the Ellison Valley in the Central Okanagan Regional District (CORD) and it concerns a 3.5 hectare orchard lot two kilometres south of the Kelowna Airport.³³ It was denied by the ELUC in

³² British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series-GR-3676, Container 910449-0200, File 19, "A. Goncalves, Application #02-G-24230 Air Photo: BCB 90026 #117," in [ELUC Meeting], no page.

³³ For information on the size and location of the lot, please see: BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0200, File 19, "Environment and Land Use Committee: In the Matter of Application No. 02-G-24230: Proceedings at Hearing of February 20, 1992, before Honourable John Cashore, Chair; Honourable Bill Barlee, Member; Honourable Art Charbonneau, Member; Honourable David Zirnhelt, Member," in [ELUC Meeting: February 20, 1992], 3.

February 1992, upholding the Commission’s decision to keep the land in the ALR.³⁴ The owner wanted to build 20 residential units on the lot, either as a mobile home park or a strata lot; they argued the lot should not be retained in the ALR because it was within a frost pocket and had poor soil conditions.³⁵ To the north was pasture and a rent-a-horse operation and to the east, south, and west there were orchards—along with a residential subdivision to the east.³⁶ The appellant argued that better agricultural land was removed from the ALR previously in the City of Kelowna proper via cabinet appeal.³⁷ The Commission responded that the land was still prime farmland for tree fruits and grapes and even the appellant acknowledged that *some* sort of agricultural operation could still occur on the property even if the property had these questionable conditions.³⁸ The Commission also explained that though there were some non-farm uses west of Old Vernon Road, the regional district—even though it supported the

³⁴ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0200, File 19, “Letter of February 20, 1992, from John Cashore, ELUC Chair, to Mr. Kirk Miller, Agricultural Land Commission,” in [ELUC Meeting: February 20, 1992], 1. The commission first rejected the application in May 1990 before further appeal to the ELUC was sent to Bill Vander Zalm’s agriculture minister in March 1991 and granted by Rita Johnston’s minister in August 1991. Please see: BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0200, File 19, “Letter from Agricultural Land Commission of 12 March 1991 to The Honourable Harry De Jong, Minister of Agriculture & Fisheries,” in [ELUC Meeting: February 20, 1992], 1-2; BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0200, File 19, “Certificate of Leave to Appeal Pursuant to Section 13(2) of the Agricultural Land Commission Act, signed by Larry Chalmers, Minister of Agriculture, Fisheries and Food on August 8, 1991,” in [ELUC Meeting: February 20, 1992], 1. For section 13(2) of the act: “Where an application is received by the commission after September 27, 1977, and a person is refused leave to appeal, the person may, not later than 30 days after the refusal, apply in the prescribed manner to the minister for leave to appeal in the prescribed manner to the Environment and Land Use Committee. See: *Agricultural Land Commission Act* R.S.B.C. 1979, c 9, s 13(2).

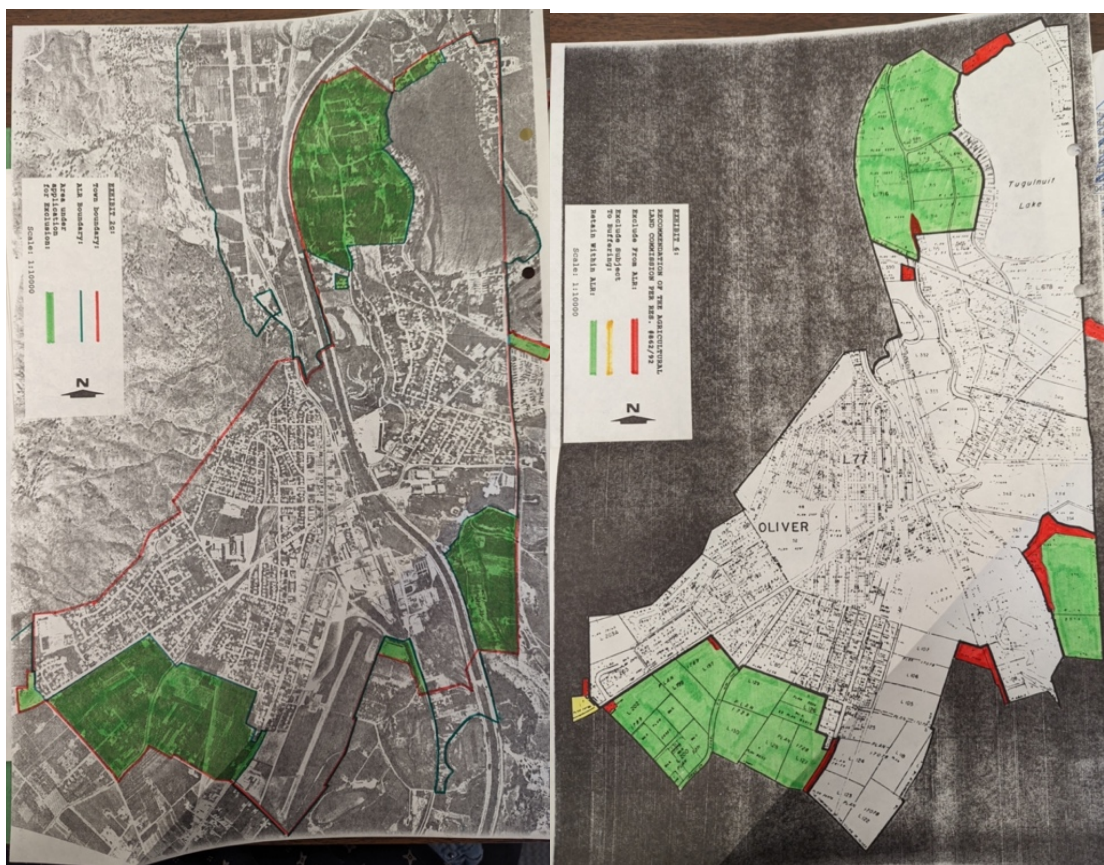
³⁵ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0200, File 19, “Letter from Agricultural Land Commission of 12 March 1991 to The Honourable Harry De Jong, Minister of Agriculture & Fisheries,” in [ELUC Meeting: February 20, 1992], 1-2.

³⁶ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0200, File 19, “Summary Information Report: Application #02-G-24230,” in [ELUC Meeting: February 20, 1992], 1.

³⁷ I believe this might be referring to a Glenmore cabinet appeal that occurred in Kelowna in 1988. Please see: Government of British Columbia PC. Order in Council 2268-1988, 1-3; BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0200, File 19, “Letter from Agricultural Land Commission of 12 March 1991 to The Honourable Harry De Jong, Minister of Agriculture & Fisheries,” in [ELUC Meeting: February 20, 1992], 2.

³⁸ *Ibid.*, 1.

application—worried the exclusion would set a precedent for future exclusions on this side of the road and would endanger nearby agricultural operations.³⁹



Left: the town of Oliver's exclusion request is in green. Right: the Commission's accepted exclusion recommendation in red.⁴⁰

The third appeal we are dealing with from Mike Harcourt's government is from the Oliver town council in November 1992 to the full cabinet for the exclusion of 88 parcels totalling 287 acres of the Okanagan-Similkameen's Regional District's ALR; it is the last appeal to the

³⁹ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0200, File 19, "Summary Information Report: Application #02-G-24230," in [ELUC Meeting: February 20, 1992], 1.

⁴⁰ The map on the left is from: BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0201, File 1, "Exhibit 2c: Map 1:10,000 in Letter from Agricultural Land Commission of 9 October 1992 to The Honourable Bill Barlee, Minister of Agriculture, Fisheries and Food," in [Cabinet/ELUC Meeting November 19, 25, 1992: Oliver Block application: #01- OLIV-27170], no page. The map on the right is from: BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0201, File 1, "Exhibit 6: Map 1:10,000 in Letter from Agricultural Land Commission of 9 October 1992 to The Honourable Bill Barlee, Minister of Agriculture, Fisheries and Food," in [Cabinet/ELUC Meeting November 19, 25, 1992: Oliver Block application: #01-OLIV-27170], no page.

full cabinet before these were abolished in 1993.⁴¹ It shows the cabinet limiting the amount of ALR land lost before abolition. The exclusion was requested by the town to avoid undue urban sprawl into rural land uses, with proposed future uses for the areas under appeal being “low-density residential.”⁴² The town’s requested exclusions were also because of the virtual exhaustion of “non-ALR land alternatives” for single detached homes in Oliver; the town’s need for a better land base to potentially lower housing costs; land being needed for parks and other community uses; and the town trying to avoid having urban land uses developing around rural, agricultural land uses.⁴³ The “generally surrounding” lands were fallow and lightly used farmland in a floodplain to the north; the Osoyoos Indian Band’s reserve to the east, which included a vineyard, golf course, park, ranch, and residential land uses; and tree fruit operations to the south and west.⁴⁴

The cabinet agreed with the Commission’s recommendation that only 33 acres, most of which was non-arable land or already being used for non-farm purposes, be removed from the ALR.⁴⁵ The town wanted to expand, so its application was for all the ALR land within Oliver to

⁴¹ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0201, File 1, “Memorandum from Honourable John Cashore, ELUC Chair, to Honourable Bill Barlee, Minister of Agriculture, Fisheries and Food of December 10, 1992: Re: Cabinet Meetings of November 19 and 25, 1992,” in [Cabinet/ELUC Meeting November 19, 25, 1992: Oliver Block application: #01-OLIV-27170], 1. The application was under section 11(1) of the *Agricultural Land Commission Act*, which read at this time: “The Lieutenant Governor in Council may, on his own, on application of a municipality or regional district for land within its territory or on application of the commission, exclude land from a reserve, on the terms he considers advisable.” See *Agricultural Land Commission Act* R.S.B.C. 1979 c 9, s 11(1). For the letter setting out what section the appeal was pursuant to, see: BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0201, File 1, “Letter from Agricultural Land Commission of 9 October 1992 to The Honourable Bill Barlee, Minister of Agriculture, Fisheries and Food,” in [Cabinet/ELUC Meeting November 19, 25, 1992: Oliver Block application: #01-OLIV-27170], 1.

⁴² BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0201, File 1, “Letter from Agricultural Land Commission to the Honourable Bill Barlee, Minister of Agriculture, Fisheries and Food of October 9, 1992,” in [Cabinet/ELUC Meeting November 19, 25, 1992: Oliver Block application: #01-OLIV-27170], 2.

⁴³ *Ibid.*, 3.

⁴⁴ *Ibid.*, 2.

⁴⁵ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0201, File 1, “Memorandum from George Ford, Secretary to the Executive Council, to Honourable Bill Barlee,

be removed.⁴⁶ However, removing only 33 acres would not address the town's expansion plans but the Commission suggested against removing more land because the municipality had not demonstrated an "urgent lack of reasonable alternatives to the use of prime farmland for its urban expansion."⁴⁷ The Commission also suggested that the town work more closely with ministries and the Osoyoos Indian Band to evaluate development alternatives that would not take away farmland.⁴⁸ The appeal shows British Columbia's government moving away from removing land from the ALR via the cabinet appeal process.

* * *

Mike Harcourt's government limited the ability of cabinet and ELUC members to remove land from the ALR, removing political influence from ALC decisions. The legislative amendments this government passed and the final three appeals we have considered before the abolition of cabinet appeals in 1993 have also shown this government acting to protect ALR land and treating ALR land as something that should only be removed when there was a strong rationale and when endorsed by the ALC. After 1993, responsibility for including land in an ALR or excluding it from the ALR moved to the Commission. After 1994, the Commission could delegate non-farm use and subdivision applications to municipalities and regional districts. The full cabinet could still get involved if an appeal was in the province's interest. Harcourt's

Minister of Agriculture, Fisheries and Food and John Cashore, Chair, Environment and Land Use Committee, of December 10, 1992: Re: Cabinet Meetings of November 19 and 25, 1992," in [Cabinet/ELUC Meeting November 19, 25, 1992: Oliver Block application: #01-OLIV-27170], 1.

⁴⁶ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0201, File 1, "Letter from Agricultural Land Commission of 9 October 1992 to The Honourable Bill Barlee, Minister of Agriculture, Fisheries and Food," in [Cabinet/ELUC Meeting November 19, 25, 1992: Oliver Block application: #01-OLIV-27170], 1.

⁴⁷ BCA, British Columbia Cabinet Committee Meeting Case Files, 1969-2006, Series GR-3676, Container 910449-0201, File 1, "Letter from Agricultural Land Commission of 9 October 1992 to The Honourable Bill Barlee, Minister of Agriculture, Fisheries and Food," in [Cabinet/ELUC Meeting November 19, 25, 1992: Oliver Block application: #01-OLIV-27170], 4.

⁴⁸ Ibid.

government saved ALR land from development. We saw the government limiting the amount of land removed from the ALR in the *approval* of an appeal made by landowners adjacent to a proposed church and social housing project in Summerland to overturn a development that the *Commission* had already approved. It was also shown in the ELUC's denial of an appeal for strata lots from a landowner in the Ellison Valley north of Kelowna and in the cabinet's concurrence with the Commission to remove less land from the ALR in Oliver.

Conclusion

Studying cabinet appeals from 1973 to 1993 for Agricultural Land Reserve (ALR) land is complex. It adds to our understanding of BC history, politics, and land use decisions from the governments of W.A.C. Bennett to Mike Harcourt. The thesis used particular appeal decisions to illustrate that while the NDP government of Dave Barrett rightly gets credit for establishing the ALR, the ALR only worked because of the *Environment and Land Use Act*, which was created by W.A.C. Bennett's government. Bennett's government normally took harmful environmental decisions with little public feedback. It also showed how the orders and legislation creating the ALR and ALC worked and that the ALR originally included a mandate to protect park land. Bill Bennett's government, meanwhile, undermined the ALR by eliminating this park land element and redefining agriculture to exclude range land. This government also regularly overruled the ALC by changing its decisions about ALR land. Bennett's government was quick to build things and less amenable to saving land from redevelopment. The Vander Zalm government expanded this trend by corrupting the appeal process for the premier's benefit and his friends. This history has shown that Social Credit was captured by business and self-serving motives while the NDP were better agricultural land stewards. The NDP was consistent in its commitment to protect agricultural land from development. This thesis has shown that programs like the ALR can be effective but final decisions on if agricultural land should be developed need to be isolated from political decision-making to ensure cabinet ministers avoid taking decisions that erode British Columbia's agricultural land and unduly increase constituents' property values.

While studying ALR appeals for the first twenty years of the ALR's existence might seem like a remarkably strange way to spend one's time, which it is, it is important because the two

main acts dealt with for this thesis, the *Environment and Land Use Act* and the *Agricultural Land Commission Act* are still on the statute books at the time of writing. In 2024, David Eby's government used the first act to restrict jade mining in northwestern BC¹ and in 2019 John Horgan's government eliminated the ability of an individual to apply to the Commission to exclude land from the ALR (it now must go through the municipality).² This latter change caused one political commentator to ask: "want to escape ALR? Don't bother applying," as the NDP is "perennially" concerned about landowners trying to get their land out of the ALR.³ British Columbia's current politicians can benefit from understanding how these two statutes worked before these contemporary changes.

This thesis has shown how BC's government worked through cabinet appeals, a rational extension of current ALR scholarship which is important because it shows how British Columbia's government, from the ALC, the Environment and Land Use Committee, the cabinet, and even premiers were involved in ALR appeals. Though general ideas about how cabinet appeals relate to British Columbian communities do exist, these places cannot be understood until they are recognized for what they are: the places where British Columbians live, lounge, shop, work, worship, commute past daily, and even golf on.

This thesis also makes ALR scholarship relevant for new areas of British Columbia: from Olalla, to Nanaimo, to West Bank, to Richmond, to Summerland, to the Ellison Valley, and to Oliver because British Columbians can see where the specific places under appeal are, what is on the land under appeal, or the areas are written about so that people living in these communities can understand where these spots are, as can those who do not live in this province. Future

¹ Government of British Columbia PC. Order in Council 242-2024, 1.

² *Agricultural Land Commission Amendment Act* S.B.C. 2019, c 32, s 19.

³ Les Layne, "Want to Escape ALR? Don't Bother Applying," *Times Colonist*, March 12, 2019, A9.

scholarship could look at more appeals on Vancouver Island, the lower mainland, and in the Okanagan from 1973 to 1993, extend the study of ALR appeals to other areas of the province, or look at spots affected by appeals after 1993 at the Commission level.

Bibliography

Archives

British Columbia Archives

British Columbia Cabinet Committee Meeting Case Files, 1969-2006. Series GR-3676.

Cases

Save Richmond Farmland Society Western Can. Wilderness Committee v. Richmond (Township), 1988 CanLII 3323 (BC SC)

Save Richmond Farmland Society v. Richmond, 1989 CanLII 2718 (BC CA)

Save Richmond Farmland Society v. Richmond (Township), 1990 CanLII 1132 (SCC), [1990] 3 SCR 1213

Legislation

Agricultural Land Commission Act R.S.B.C. 1979, c 9.

Agricultural Land Commission Act R.S.B.C. 1996, c 10.

Agricultural Land Commission Amendment Act S.B.C. 1994, c 25.

Agricultural Land Commission Amendment Act S.B.C. 2019, c 32.

Agriculture and Fisheries Statutes Amendment Act S.B.C. 1988, c 31.

Agriculture, Fisheries and Food Statutes Amendment Act S.B.C. 1992, c 29.

Agriculture Protection Act S.B.C. 1989, c 19.

Cabinet Appeals Abolition Act S.B.C. 1993, c 38.

Constitution Act R.S.B.C. 1979, c 62.

Constitution Act R.S.B.C. 1996, c 66.

Department of Lands and Forests Amendment Act S.B.C. 1962, c 22.

Environmental Management Act S.B.C. 1981, c 14.

Environment and Land Use Act S.B.C. 1971, c 17.

Environment and Land Use Act R.S.B.C. 1979, c 110.

Environment and Land Use Act R.S.B.C. 1996, c 117.

Farm Income Assurance Act S.B.C. 1973, c 115.

Farm Income Insurance Act R.S.B.C. 1996, c 130.

Golf Course Development Moratorium Act S.B.C. 1992, c 8.

Government Reorganization Act S.B.C. 1976, c 18.

Green Belt Protection Fund Act S.B.C. 1972, c 24.

Inquiry Act R.S.B.C. 1979, c 198.

Land Commission Act S.B.C. 1973, c 46.

Land Commission Amendment Act S.B.C. 1977, c 73.

Miscellaneous Statutes Amendment Act (no. 2) S.B.C. 1980, c 36.

Public Inquiries Act R.S.B.C. 1960, c 315.

The Constitution Act, S.B.C. 1871, c 3.

Newspapers

Times Colonist

Vancouver Sun

Victoria Times

Orders

Government of British Columbia PC. Order in Council 2300-1969.

Government of British Columbia PC. Order in Council 1349-1971.

Government of British Columbia PC. Order in Council 1247-1972.

Government of British Columbia PC. Order in Council 4483-1972.

Government of British Columbia PC. Order in Council 157-1973.

Government of British Columbia PC. Order in Council 1643-1973.

Government of British Columbia PC. Order in Council 1662-1973.

Government of British Columbia PC. Order in Council 1891-1973.

Government of British Columbia PC. Order in Council 2193-1973.

Government of British Columbia PC. Order in Council 2726-1973.

Government of British Columbia PC. Order in Council 2806-1973.

Government of British Columbia PC. Order in Council 2864-1973.

Government of British Columbia PC. Order in Council 3539-1973.

Government of British Columbia PC. Order in Council 3762-1973.

Government of British Columbia PC. Order in Council 181-1974.

Government of British Columbia PC. Order in Council 353-1974.

Government of British Columbia PC. Order in Council 414-1974.

Government of British Columbia PC. Order in Council 661-1974.

Government of British Columbia PC. Order in Council 687-1974.

Government of British Columbia PC. Order in Council 2413-1974.

Government of British Columbia PC. Order in Council 130-1975.

Government of British Columbia PC. Order in Council 420-1975.

Government of British Columbia PC. Order in Council 1131-1975.

Government of British Columbia PC. Order in Council 2424-1975.

Government of British Columbia PC. Order in Council 3154-1975.

Government of British Columbia PC. Order in Council 3688-1975.

Government of British Columbia PC. Order in Council 3830-1975.

Government of British Columbia PC. Order in Council 140-1976.

Government of British Columbia PC. Order in Council 3237-1976.

Government of British Columbia PC. Order In Council 1979-1978.

Government of British Columbia PC. Order in Council 3044-1978.

Government of British Columbia PC. Order in Council 2969-1979.

Government of British Columbia PC. Order In Council 1999-1980.

Government of British Columbia PC. Order in Council 3-1981.

Government of British Columbia PC. Order in Council 4-1981.

Government of British Columbia PC. Order In Council 30-1981.

Government of British Columbia PC. Order in Council 31-1981.

Government of British Columbia PC. Order in Council 980-1981.

Government of British Columbia PC. Order in Council 1069-1981.

Government of British Columbia PC. Order in Council 1557-1982.

Government of British Columbia PC. Order in Council 883-1983.

Government of British Columbia PC. Order In Council 1227-1984.

Government of British Columbia PC. Order in Council 372-1985.

Government of British Columbia PC. Order in Council 1051-1985.

Government of British Columbia PC. Order in Council 93-1986.

Government of British Columbia PC. Order in Council 294-1986.

Government of British Columbia PC. Order in Council 1506-1986

Government of British Columbia PC. Order in Council 1911-1986.

Government of British Columbia PC. Order in Council 435-1987.

Government of British Columbia PC. Order in Council 666-1987.

Government of British Columbia PC. Order in Council 906-1987.

Government of British Columbia PC. Order in Council 1061-1987.

Government of British Columbia PC. Order in Council 1618-1987.

Government of British Columbia PC. Order in Council 2268-1987.

Government of British Columbia PC. Order in Council 1141-1988.

Government of British Columbia PC. Order in Council 1317-1988.

Government of British Columbia PC. Order in Council 2268-1988.

Government of British Columbia PC. Order in Council 1375-1989.

Government of British Columbia PC. Order in Council 1585-1989.

Government of British Columbia PC. Order in Council 1692-1989.

Government of British Columbia PC. Order in Council 25-1991.

Government of British Columbia PC. Order in Council 1388-1991.

Government of British Columbia PC. Order in Council 1392-1991.

Government of British Columbia PC. Order in Council 1437-1991.

Government of British Columbia PC. Order in Council 1631-1991.

Government of British Columbia PC. Order in Council 530-1992.

Government of British Columbia PC. Order in Council 531-1992.

Government of British Columbia PC. Order in Council 242-2024.

Secondary Sources

Abbott, George, M. *Big Promises, Small Government: Doing Less with Less in the BC Liberal New Era*. Vancouver, UBC Press, 2020.

Aoki, Julia, and Ayaka Yoshimizu. "Walking Histories, Un/Making Places: Walking Tours as Ethnography of Place." *Space and Culture* 18, no. 3 (2015): 273-284.

Barrett, Dave, and William Miller. *Barrett: A Passionate Political Life*. Vancouver: Douglas & McIntyre, 1995.

Barman, Jean. "Seeing British Columbia." *BC Studies* no. 131, (Autumn 2001): 9-14.

Barman, Jean. "The Many Ways of Seeing British Columbia." *BC Studies* no. 200, (Winter 2019): 161-168.

Barman, Jean. *The West Beyond the West: A History of British Columbia, Revised Edition*. Toronto: University of Toronto Press, 1996.

Carty, R.K. "Introduction." In *Politics, Policy, and Government in British Columbia*. Edited by R.K. Carty. Vancouver: UBC Press, 1996. ix-xiii.

Collier, Robert W. "The Evolution of Regional Districts in British Columbia." *BC Studies* no. 15, (Autumn 1972): 29-39.

Foster, Hamar, and John McLaren. "For the Better Administration of Justice: The Court of Appeal for British Columbia, 1910-2010." *BC Studies* no. 162, (Summer 2009): 5-24.

- Garrish, Christopher. "Unscrambling the Omelette: Understanding British Columbia's Agricultural Land Reserve." *BC Studies* no. 136, (Winter 2002/03): 25-55.
- Gawthrop, Daniel. *Highwire Act: Power, Pragmatism, and the Harcourt Legacy*. Vancouver, BC: New Star Books, 1996.
- Harrison, Stephen J. *The Alternative Vote in British Columbia: Values Debates and Party Politics*. Victoria: University of Victoria, 2010.
- Ie, Kenny William. "Cabinet Composition, Collegiality, and Collectivity: Examining Patterns in Cabinet Committee Structure," *European Political Science Review* 14, no. 1, (2022): 115-133.
- Ie, Kenny William. "Representation and Ministerial Influence on Cabinet Committees in Canada," *Canadian Journal of Political Science* 54, no 3, (2021): 615-636.
- Leslie, Graham. *Breach of Promise: Sacred Ethics Under Vander Zalm, Revised Edition*. Madeira Park, BC: Harbour Publishing, 1991.
- McDonald, Robert A.J., *A Long Way to Paradise: A New History of British Columbia Politics*. Vancouver: UBC Press, 2021.
- McDonald, Robert. "Photo Vignette: Restraining the Welfare State." *BC Studies* no. 200, (Winter 2019): 77-80.
- Meggs, Geoff, and Rod Mickleburgh. *The Art of the Impossible: Dave Barrett and the NDP in Power, 1972-1975*. Madeira Park, BC: Harbour Publishing, 2012.
- Mitchell, David J. *W.A.C. Bennett and the Rise of British Columbia*, Vancouver: Douglas & McIntyre, 1983.

- Morley, Terence. "The Government of the Day: The Premier and Cabinet in British Columbia." In *Politics, Policy, and Government in British Columbia*, edited by R.K. Carty, 143-163. Vancouver: UBC Press, 1996.
- Nichols, Marjorie, and Bob Krieger. *Bill Bennett: The End*. Vancouver, Douglas & McIntyre, 1986.
- Nixon, Denver V., and Lenore Newman. "The Efficacy and Politics of Farmland Preservation Through Land Use Regulation: Changes in Southwest British Columbia's Agricultural Land Reserve." *Land Use Policy* 59 (2016): 227-240.
- Petter, Andrew. "Sausage Making in British Columbia's NDP Government: The Creation of the Land Commission Act, August 1972-April 1973." *BC Studies* no. 65, (Spring 1985): 3-33.
- Plecas, Bob. *Bill Bennett: A Mandarin's View*. Vancouver: Douglas & McIntyre, 2006.
- Robin, Martin. "British Columbia: The Company Province." In *Canadian Provincial Politics: The Party Systems of the Ten Provinces, Second Edition*, edited by Martin Robin, 28-60. Scarborough, ON: Prentice-Hall of Canada, 1978.
- Ross, Leslie J. *Richmond: Child of the Fraser*. Richmond, BC: Richmond '79 Centennial Committee and Hemlock Printers, 1979.
- Ruff, Norman J. "The West Annex: Executive Structure and Administrative Style in British Columbia." In *Executive Styles in Canada: Cabinet Structures and Leadership Practices in Canadian Government*, edited by Luc Bernier, Keith Brownsey, and Michael Howlett, 225-241. Toronto: University of Toronto Press, 2005.
- Sharman, Campbell. "The Strange Case of a Provincial Constitution: The British Columbia Constitution Act." *Canadian Journal of Political Science* 17, no. 1 (1984): 87-108.

- Stobbe, Tracy E, Alison J. Eagle, Geerte Cotteleer, and G. Cornelius van Kooten. “Farmland Preservation Verdicts—Rezoning Agricultural Land in British Columbia,” *Canadian Journal of Agricultural Economics* 59, no. 4 (2011): 555-572.
- Tennant, Paul. “The NDP Government in British Columbia: Unaided Politicians in an Unaided Cabinet.” *Canadian Public Policy* 3 no. 4, (1977): 489-503.
- Tomblin, Stephen. “W.A.C. Bennett and Province-Building in British Columbia.” *BC Studies* no. 85, (Spring 1990): 45-61.
- Williams, Bob, Ben Isitt, and Thomas Bevan. *Using Power Well: Bob Williams and the Making of British Columbia*. Gibsons, BC: Nightwood Editions, 2022.
- Williston, Eileen, and Betty Keller. *Forests, Power, and Policy: The Legacy of Ray Williston*. Prince George, BC: Caitlin Press, 1997.
- Wiseman, Nelson. *In Search of Canadian Political Culture*. Vancouver: UBC Press, 2007.

Websites

- “1415 Highway 3A Olalla V0X 1N6.” BC Assessment. Find Your Property Assessment. Last accessed May 16, 2024.
<https://www.bcassessment.ca/Property/Info/QTAwMDA5NjdUSA==>
- “1416 Highway 3A Olalla V0X 1N6.” BC Assessment. Find Your Property Assessment. last accessed May 16, 2024.
<https://www.bcassessment.ca/Property/Info/QTAwMDA5NjdUVw==>

“1424 Highway 3A Olalla V0X 1N6.” BC Assessment. Find Your Property Assessment. Last accessed May 16, 2024.

<https://www.bcassessment.ca/Property/Info/QTAwMDA5NjhaNw==>

“1430 Highway 3A Olalla V0X 1N6.” BC Assessment. Find Your Property Assessment. Last accessed May 16, 2024.

<https://www.bcassessment.ca/Property/Info/QTAwMDA5NjhaNw==>

5811 Musgrave Cres Richmond V7C 5N6.” BC Assessment. Find Your Property Assessment. Last accessed June 28, 2024.

<https://www.bcassessment.ca/Property/Info/QTAwMDA1WEY3Mg==>

“About Woodgrove.” Woodgrove Centre. Last accessed December 16, 2023.

<https://www.woodgrovecentre.com/aboutwoodgrove/>

Arendt, John. “Summerland Churches Receive Property Tax Relief.” *Kelowna Capital News*.

Last updated August 26, 2022. <https://www.kelownacapnews.com/news/summerland-churches-receive-property-tax-relief-3233362>

Bacchus, Lee. “Final Fantasy: Nature Reclaims Fantasy Gardens, the Dreamscape of Former BC Premier Bill Vander Zalm.” *Tyee*. Last updated August 7, 2009.

<https://thetyee.ca/ArtsAndCulture/2009/08/07/FinalFantasy/>

British Columbia Air Photos. “bcc241/21, date: 1980-04-21, 10:50:00AM, flying height (m): 1890. Nominal scale: 1:6000.” Last accessed July 5, 2024.

<https://a100.gov.bc.ca/ext/mtec/public/products/airPhoto>

“Camellia at the Gardens.” Townline Developments. Last accessed November 24, 2023.

<https://www.townline.com/project/camellia-at-the-gardens>

CBC News. "Bill Bennett, Former B.C. Premier, Dead at 83." *CBC News*. Last updated

December 4, 2015, <https://www.cbc.ca/news/canada/british-columbia/bill-bennett-died-1.3351863>

CBC News. "Man Behind Bingogate Pleads Guilty." *CBC News*. Last updated November 10,

2000. <https://www.cbc.ca/news/canada/man-behind-bingogate-pleads-guilty-1.188366>

CBC News. "Ontario Government Tables Bill to Return Lands it Removed Back to Greenbelt."

CBC News. Last updated October 16, 2023.

<https://www.cbc.ca/news/canada/toronto/ontario-doug-ford-greenbelt-land-reversal-bill-1.6994997>

Cole, Yolande. "Former B.C. Cabinet Minister Olga Ilich Appointed to Vancouver Housing Task Force." *Georgia Straight*. Last updated December 12, 2011.

<https://www.straight.com/news/former-bc-cabinet-minister-olga-ilich-appointed-vancouver-housing-task-force>

Dacre, Colin. "Affordable Rentals at Council." *Castanet*. Last updated January 25, 2019.

<https://www.castanet.net/news/Penticton/247692/Affordable-rentals-at-council>

Government Access Tool for Online Retrieval (GATOR) Entry for District Lot 2820, S.D.Y.D.

Last accessed May 16, 2024.

[https://a100.gov.bc.ca/pub/pls/gator/gator\\$querylist_detail.parcel_detail?v_Pin_Sid=4274270&v_Historical=ON](https://a100.gov.bc.ca/pub/pls/gator/gator$querylist_detail.parcel_detail?v_Pin_Sid=4274270&v_Historical=ON)

Government of Canada, "Overview of Classification Methods for Determining Land Capability for Agriculture." Last updated May 31, 2013.

<https://sis.agr.gc.ca/cansis/nsdb/cli/classdesc.html>

“Home.” Agricultural Land Commission. Last updated January 26, 2024.

<https://www.alc.gov.bc.ca>

Hopkins, Michelle. “Remembering Milan Ilich.” *Richmond News*. Last updated July 6, 2011.

<https://www.richmond-news.com/local-news/remembering-milan-ilich-2945978>

Janssen, Doris. “Well-Known Kelowna Businessman Herb Capozzi Passes Away.” *Global News*.

Last updated November 21, 2011. <https://globalnews.ca/news/180366/well-known-kelowna-businessman-herb-capozzi-passes-away/>

Jeffrey, Cassandra. “Former B.C. Premier and Kelowna Resident Bill Bennett Passes Away.”

Kelowna Now. Last updated December 4, 2015.

https://www.kelownanow.com/watercooler/news/news/Provincial/15/12/04/Former_B_C_Premier_and_Kelowna_Resident_Bill_Bennett_Passes_Away/

Judd, Amy. “Vancouver Mayor Outlines Plan to Address City’s Housing Crisis.” *Global News*.

Last updated October 13, 2023. <https://globalnews.ca/news/10017519/vancouver-city-housing-crisis/>

“Land Use Map: Bylaw 8874 2012/11/13.” In Richmond Official Community Plan: Thompson

Area Terra Nova Sub-Plan Bylaw 7100 Schedule 2.2B. 17.

https://www.richmond.ca/_shared/assets/terra_nova569.pdf

“Leckie Block (Bennett’s Furniture and Hardware).” City of Kelowna. Last accessed October 16,

2023. <https://www.kelowna.ca/our-community/arts-culture-heritage/heritage/heritage-register/leckie-block-bennetts-furniture>

Leung, Valerie. “Thompson Community Unique for its Variety of Housing: Dunfee.” *Richmond*

News. Last updated June 3, 2024. <https://www.richmond-news.com/in-the-community/thompson-community-unique-for-its-variety-of-housing-dunfee-8805761>

“Location & Contact.” Mayfair Lakes Golf & Country Club. Last accessed November 27, 2023.

<https://www.mayfairlakes.com/about/location>

“Our Story.” Frind Estate Winery. Last accessed October 16, 2023.

<https://www.frindwinery.com/Our-Story>

“Steel Church Building in Summerland, British Columbia.” Sunward Steel Buildings. Last accessed December 5, 2023. [https://sunwardsteel.com/canada/british-](https://sunwardsteel.com/canada/british-columbia/summerland/steel-church-building-bc/)

[columbia/summerland/steel-church-building-bc/](https://sunwardsteel.com/canada/british-columbia/summerland/steel-church-building-bc/)

“Terra Nova Natural Area.” City of Richmond. Last updated September 12, 2023.

<https://www.richmond.ca/parks-recreation/parks/parksearch/park.aspx?ID=41>

“Terra Nova Rural Park.” City of Richmond. Last updated September 12, 2023.

<https://www.richmond.ca/parks-recreation/parks/parksearch/park.aspx?ID=80>

“The Golf Course.” Mayfair Lakes Golf & Country Club. Last accessed December 18, 2023.

https://www.mayfairlakes.com/golf_course

“Welcome to Cypress Mountain! On the Slopes.” Cypress Mountain. last accessed August 27, 2024, <https://cypressmountain.com/visitors-guide>

“Wembley Mall.” Prospero Properties. Last accessed November 10, 2023.

<https://www.prospero.ca/properties/wembley-mall/>.

Wood, Graeme. “Milan Ilich Pavilion Officially Unveiled at Richmond Hospital.” *Richmond News*. Last updated September 15, 2014. [https://www.richmond-news.com/local-](https://www.richmond-news.com/local-news/milan-ilich-pavilion-officially-unveiled-at-richmond-hospital-2984801)

[news/milan-ilich-pavilion-officially-unveiled-at-richmond-hospital-2984801](https://www.richmond-news.com/local-news/milan-ilich-pavilion-officially-unveiled-at-richmond-hospital-2984801)