

**FARMLAND PROTECTION IN BRITISH COLUMBIA:  
AN EVALUATION OF THE AGRICULTURAL LAND COMMISSION'S  
APPLICATION PROCESS AND ITS IMPACT ON LONG-RANGE AGRICULTURAL  
LAND USE PLANNING**

by

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## Chapter 1

### INTRODUCTION

British Columbia (BC) has a strong legislative framework for farmland protection that has long been regarded as one of the most progressive provincial agricultural land use planning programs in North America (Furusest, 1981; see also Manning & Eddy, 1978; Bryant & Russwurm, 1979; Krueger, 1977; Malzahn, 1979). The *Agricultural Land Commission Act* (ALCA) was first established in 1973 following concerns over the growing loss of the province's limited agricultural land base. The ALCA is the province's prime directive for agricultural land use planning. It establishes comprehensive regulations for the protection of agricultural land and defines the role and structure of the Agricultural Land Commission (ALC or Commission). As such, the ALCA and land use decisions from the governing ALC take precedence over all other land use bylaws at any level of government. The ALCA also establishes the Agricultural Land Reserve (ALR) and gives power to the Commission to manage and review agricultural land within this boundary for the purpose of farmland protection. ALR boundaries were created based on soil agricultural capability to ensure long-term protection of BC's land base that is most suitable for agriculture ("ALR History," 2014).

According to the ALCA, the purpose of the Commission is:

- a) to preserve agricultural land;
- b) to encourage farming on agricultural land in collaboration with other communities of interest and;
- c) to encourage local governments, first nations, the government, and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies (*Agriculture 2002*).

The ALC is an impartial administrative tribunal of selected Commissioners (and staff) that govern the ALR. The ALC is responsible for a range of duties related to long-range agricultural land use planning. These include: processing applications for land uses on ALR land, developing agricultural policy, reviewing local government land use planning documents, interpreting regulations, performing ALR boundary reviews, ensuring enforcement, and coordinating land use activities or training sessions with other government agencies and stakeholder groups (“Operations & Governance,” 2014). Although the ALC’s staffing requirements are often revised, the Commission’s staff is responsible for completing duties and report to the ALC’s appointed executive director and Chair. The ALC’s staff, therefore, generally consists of policy planners, compliance and enforcement officers, regional planners, land use planners, and mapping and GIS technicians (“Contact Us,” 2014). Current ALC staffing requirements are primarily directed at protecting farmland and are limited in their ability to support and encourage farming within ALR boundaries.

In addition to staff, the ALC has a governing structure that consists of six regional panels each including a Vice-Chair and two panel members. The BC Cabinet Ministers appoint Vice-Chairs and the Minister appoints panel members, or Commissioners, to make decisions on applications and ensure regional cooperation with ALC staff for the district within which members reside. Panel members are led by the ALC Chair and responsible for reviewing applications by conducting site visits, coordinating with local governments, and interpreting ALC policy. Together, the Chair and six Vice-Chairs (excluding panel members) make up the ALC Executive Committee. The Executive Committee meets several times a year to discuss difficult or referred applications, draft policy, deliberate delegated reconsideration requests and

evaluate existing long-range agricultural land use planning initiatives (“Operations & Governance,” 2014).

Processing applications for land uses on ALR land, discussed in more detail below, is a major focus of the ALC and its staff. Applications from individual landowners, private organisations, and governments to remove land, allow non-farm uses, inclusions, and subdivisions on agricultural lands within the ALR are permitted. The purpose of the application process is to provide a constant review of the ALR’s boundaries and ensure agricultural land is protected. Any land use within the ALR boundary that does not conform to the permitted uses must be approved by the ALC regardless of parcel size or a site’s application history.

There is concern, however, that agricultural land use planning in BC has become too focused upon and driven by its application process, thereby undermining the protection of farmland in the province. According to Richard Bullock, then Chair of the ALC, “[...] too much prominence has been given to the application process and not enough to long-range planning” (Bullock, 2010, 54). Processing applications is the majority of the ALC’s day-to-day duties and may be distracting from its intended mandate to work with local governments in supporting long-range planning for farmland protection (Bullock, 2010, see also; Runka, 2006; Smith, 1998; Furuseth & Pierce, 1982). Bullock further states that the ALC’s professional planners are involved in processing applications rather than using their “expertise and education to properly research and advise commissioners on technical planning matters and ALR boundary reviews” (Bullock, 2010, 55). Bullock’s overall concern is that while the application process is a means of managing agricultural land, it should not serve as the only tool used to ensure long-term farmland protection and planning. As a result, he argued, too much focus on BC’s application process may, in effect, present significant barriers to long-range agricultural land use planning.



Bullock's statement is important because it links the application process to the ALC's ability to long-range plan. His statement challenges the essence of the ALC, the value of the application process, and the Commission's ability to fulfil its mandate for farmland protection. Implications include restructuring the ALC to do more long-range planning, reconsidering application process regulations, and re-evaluating the current legislative framework for agricultural land. Given the importance of Bullock's statement and the potentially significant implications for farmland protection, it is critical to further investigate Bullock's assertions. As well, there have been no evaluations addressing BC's application process and its impact on long-range agricultural land use planning. Therefore, the purpose of this research is to analyse Richard Bullock's statement that the ALC has become too focused upon its application process and not enough on long-range planning.

### 1.1 Research Questions

The purpose of this research is to evaluate Richard Bullock's statement that the ALC has become (1) too focused upon its application process and (2) not enough on long-range planning. There have been no evaluations addressing British Columbia's application process or whether the application process supports or undermines effective agricultural land use planning.

This study is framed by Lowry's (1980) discussion of five types of evaluation studies used to assess state land use and environmental programs. Of these five types, the proposed research corresponds with an administrative study. According to Lowry, administrative assessments generally assess a state's ability to engage with land use control and how variations in specific administrative conditions are linked to planning regulations. This study assesses how the application process, as one administrative component of a larger land use program, influences how the governing body engages with farmland protection practices. The City of

Kelowna will be used as a case study site to understand the prominence of the application process and its impact on long-range planning at the local level.

#### 1.1.1 Question One

Has the ALC become too focused upon its application process? This question analyses the first part of Bullock's statement that "[...] too much prominence has been given to the application process" (Bullock, 2010, 54). Through this question, prominence is assessed by determining how much time and effort is required to process applications and the level of importance and attention placed on the application process both within and outside the ALC. This question assesses the general level of agreement with Bullock's statement in order to identify reasons why the application process may be too prominent. It also determines whether the application process takes prominence over other ALC priorities, such as long term planning. These questions are answered using key informant interviews, an analysis of ALC applications for the City of Kelowna and Okanagan Regional Panel, and a review of Kelowna Agricultural Advisory Committee (AAC) meeting minutes.

#### 1.1.2 Question Two

Does the ALC not place enough focus on long-range planning? This question evaluates the second part of Bullock's statement that there is "not enough [focus] to long range planning" (Bullock, 2010, 54). Through this question, I examine the ALC's capacity and legal ability to engage in more long-range planning and identify the types of long-range planning duties the ALC could engage in. I also examine whether there are perceived benefits of placing more emphasis on long-range planning as opposed to the application process. These questions are answered using key informant interviews.

## 1.2 The ALC's Long-Range Planning Duties

The ALC's agricultural land use planning duties are included in the third part of the Commission's mandate. According to Connell (2009), "to plan is to make the future a visible, and discernable, part of modern decision-making processes" (91). Planning, therefore, is about ensuring that a governing body considers specific values and the needs of future generations when developing communities. Gordon & Hodge (2008) further state that planning is "concerned with more than solving problems posed by current development" (8). In contrast to the short-term management of land use, "planning is about attaining a preferred future built and natural environment" (Gordon & Hodge, 2008, 5). Short-term managing, therefore, is a reactive means of engaging with land use that does not anticipate future community needs and values. As such, this study is framed to evaluate whether the ALC effectively engages in long-range planning (or planning in general) rather than short term managing.

This study uses Bullock's term, long-range planning, to refer to the third part of the ALC's mandate because it states the Commission's responsibility to standardize the future-use of agricultural land and help local governments recognize the importance of farmland when making land use decisions ("Operations & Governance," 2014). This study also uses the term long-range planning to discuss the third part of the Commission's mandate because it refers to including agriculture in plans, bylaws, and policies, which are documents that generally anticipate community needs over a period of at least five years ("Official Community Plans," 2015).

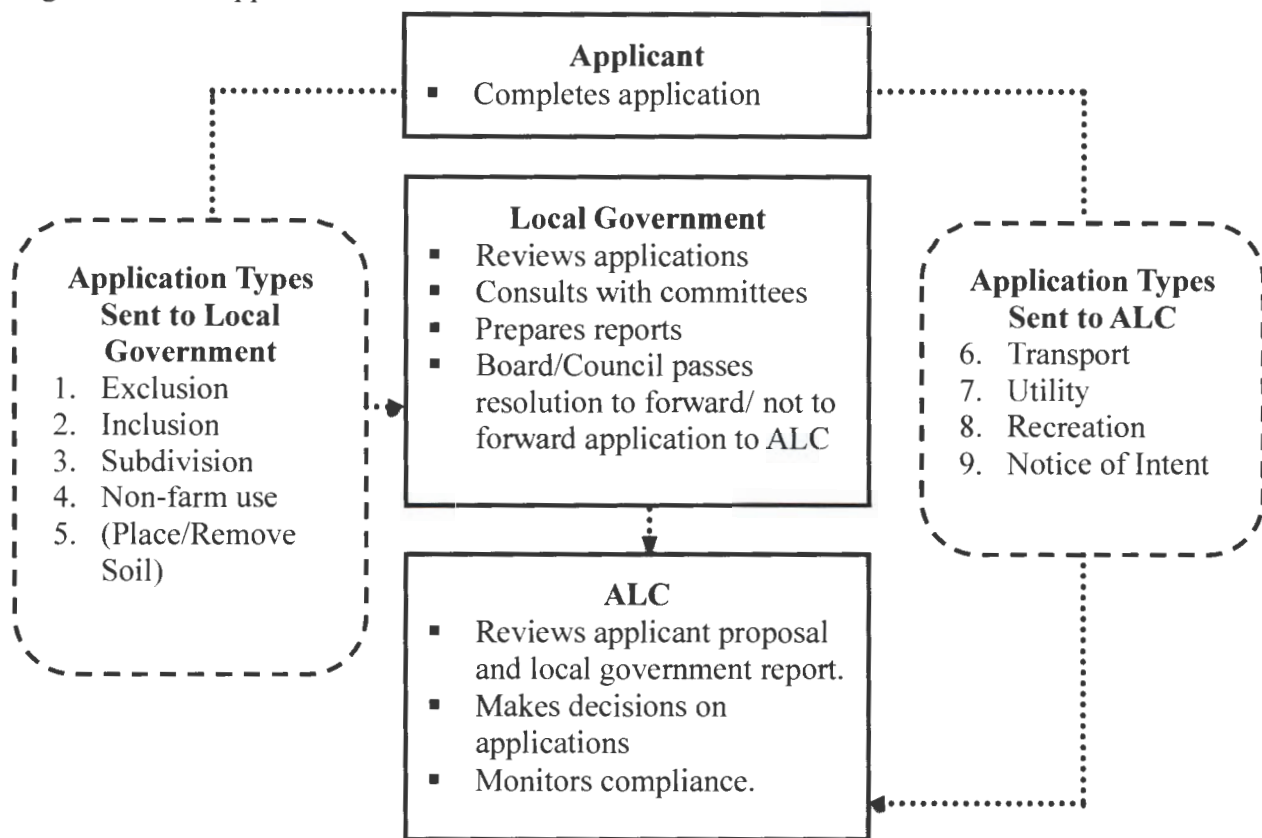
## 1.3 The ALC's Application Process

The purpose of the application process is to provide constant review of the ALR's boundaries and ensure agricultural land is protected. It is significant because it allows for a constant review of ALR boundaries by giving landowners, local governments, and organizations the ability to

approach decision makers about land use. The application process was first implemented in 1973 to help local governments “fine-tune” newly formed ALR boundaries but remains a key part of ALC duties after over forty years (Runka, 2006).

The ALCA’s *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* (ALR Regulation) is a significant directive governing agricultural land use planning. This regulation sets out the rules and procedures for the application process (reg. 171; Figure 1). In addition, the ALR Regulation implements the ALCA to clarify the types of uses considered farm activity and permitted non-farm uses within ALR boundaries. Since 1973, the Commission has processed over 45,000 applications to the land base. This includes proposals for exclusions, non-farm uses, inclusions, and subdivisions to agricultural land within ALR boundaries (“Operations & Governance,” 2014). According to the ALR regulation (2002), applications may be submitted by individual landowners, private organisations, and local governments to exclude land, allow non-farm uses, inclusions, and subdivisions on agricultural lands within the ALR. Applicants may also ask the Commission to consider requests for transportation, utility or recreational trail uses and soil removal or fill on farmland (“Application Instructions,” 2014).

Figure 1: ALC Application Process



All applications, except for those proposing transportation, utility or recreational trail uses, must first be forwarded to the local government. The local government is the first to review applications along with any supporting documents to ensure proposals adhere to local planning bylaws and zoning. Under the provincial *Local Government Act* (LGA), municipal governments are entitled to enact their own planning regulations to ensure the specific needs of their communities are met. Their bylaws, however, must be consistent with the ALCA and follow ALC decisions (*Agricultural Land Commission Act*, 2002, c 36). Depending on the application, local governments may also receive comments from the BC Ministry of Agriculture's regional agrologists and land use planners before it is sent to the local council chambers for comments and a resolution. If an application does not infringe on local regulations it can then be forwarded to the appropriate ALC regional panel for review. Local governments are encouraged to include

a report with comments and recommendations by their planning staff, council members, and Agricultural Advisory Committees (AAC) or Advisory Planning Commissions (APC). Applications submitted by local governments are sent to the ALC directly

ALC regional panel members then review forwarded applications on a case-by-case basis to determine whether proposals are consistent with its mandate to preserve agricultural land and encourage farming. Applications may be refused, accepted, accepted with conditions, or refused and accepted with conditions following an alternate proposal depending on the change suggested to the land base. Refused applicants can reapply directly to the ALC for a reconsideration request if they are able to provide new information to their initial application or alter their requests to the Commission's recommendations ("Working with Local Governments," 2014).

#### 1.4 Agricultural Land Use Planning in British Columbia<sup>1</sup>

In addition to the ALCA and ALR Regulation, agricultural land use planning in BC is also directed by a variety of policies. The ALC currently has 21 policies to provide clarification and further directives about the uses and activities in the ALR. These include guidelines for wineries and cideries, additional residences for farm use, and agri-tourism activities within the ALR. Information bulletins are also periodically released to help explain the ALC's position and future courses of action on specific issues. So far, the ALC has produced bulletins to help manage coal exploration and extraction in the ALR and their stance on slaughter plants handling red meat waste in the ALR ("ALC Policies," 2014).

The ALC and Ministry of Agriculture have also produced a variety of land use planning guides to assist local government planning processes. These documents are also considered

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<sup>1</sup> The information for this section was derived from municipal case study reports completed for an on going three-year national agricultural land use planning study led by Dr. David Connell. The project is funded by a Canada Social Science and Humanities Research Council (SSHRC) Insight Grant (Daoust-Filiatrault and Connell, 2014).

policies because they set standards for land use planning but are not enforceable. For instance, the ALC's "ALR and Community Planning Guidelines," (2004) and Smith's "Planning for Agriculture" (1998) help local governments with ALR lands prepare their Official Community Plans (OCP) and outline specific guidelines to regulate activities on ALR land. They also discuss the ALC's local bylaw review process and the importance of including agriculture in local planning documents. The ALC also releases annual Commission reports to outline the ALC's mandate, objectives, and establish performance reviews ("Commission Reports, 2014). The BC Ministry of Agriculture jointly runs the Strengthening Farming program with the ALC to provide local governments with guidance and information relating to provincial legislation for agriculture. To complement existing ALC agricultural land use planning guides, the Strengthening Farming program developed a "Guide for Bylaw Development in Farming Areas" for information on Minister's bylaw standards and farm bylaws (2015).

The province has additional legislation to support agricultural land use planning for farmland protection. This legislation includes the *Farm Practices Protection (Right to Farm) Act* and the *Right to Farm Regulation*. The *Farm Practices Protection (Right to Farm) Act* focuses on protecting normal farm practices and defines acceptable farm operations. Its purpose is to shield farmers and their industry from increasing urban encroachment and nuisance complaints (1996, c 131). The *Right to Farm Regulation* under the LGA allows certain municipalities to become section "918 regulated communities" (reg. 187). This means a city has the permission to create its own farm bylaw to regulate local farmland decisions and help set additional guidelines and restrictions for farmland in the city limits. In exchange, the municipality must have all agriculture-related bylaws, regulations, and policies reviewed by the Ministry of Agriculture. So far, only the Township of Langley, the City of Abbotsford, the Corporation of Delta, and the City

of Kelowna are recognised “918 regulated communities” under the *Right to Farm Regulation* and have implemented their own farm bylaws.

The legislative framework for agricultural land in BC is summarized in Table 1. This study uses the term long-range planning, (introduced by Bullock) to discuss the third section of the ALC’s mandate because it refers to the ALC’s role in helping produce plans, bylaws, and policies that consider agriculture and farmland. These are documents that generally anticipate community needs over a period of at least five years and provide the context and guidelines for agricultural land use planning in the province (“Official Community Plans,” 2015). Policies are categorized under the first column. These refer to formal statements of intent designed to determine or influence actions and activities. Policies can be enforceable or aspirational. Enforceable policies (in bold text) have some level of legal status and identify the governing bodies responsible for implementing compliance with these regulations. Aspirational policies (in plain text), on the other hand, have no legal status. The second column lists legislation (in italicized text), or statutory laws enacted by a legislative body. These are always enforceable and refer to provincial acts, regulations, and local bylaws. The third column addresses different types of governance structures specific to agricultural land use planning. These are regulatory groups responsible for implementing and developing policy and legislation. The table also includes policies for the City of Kelowna, which are discussed in the next section.



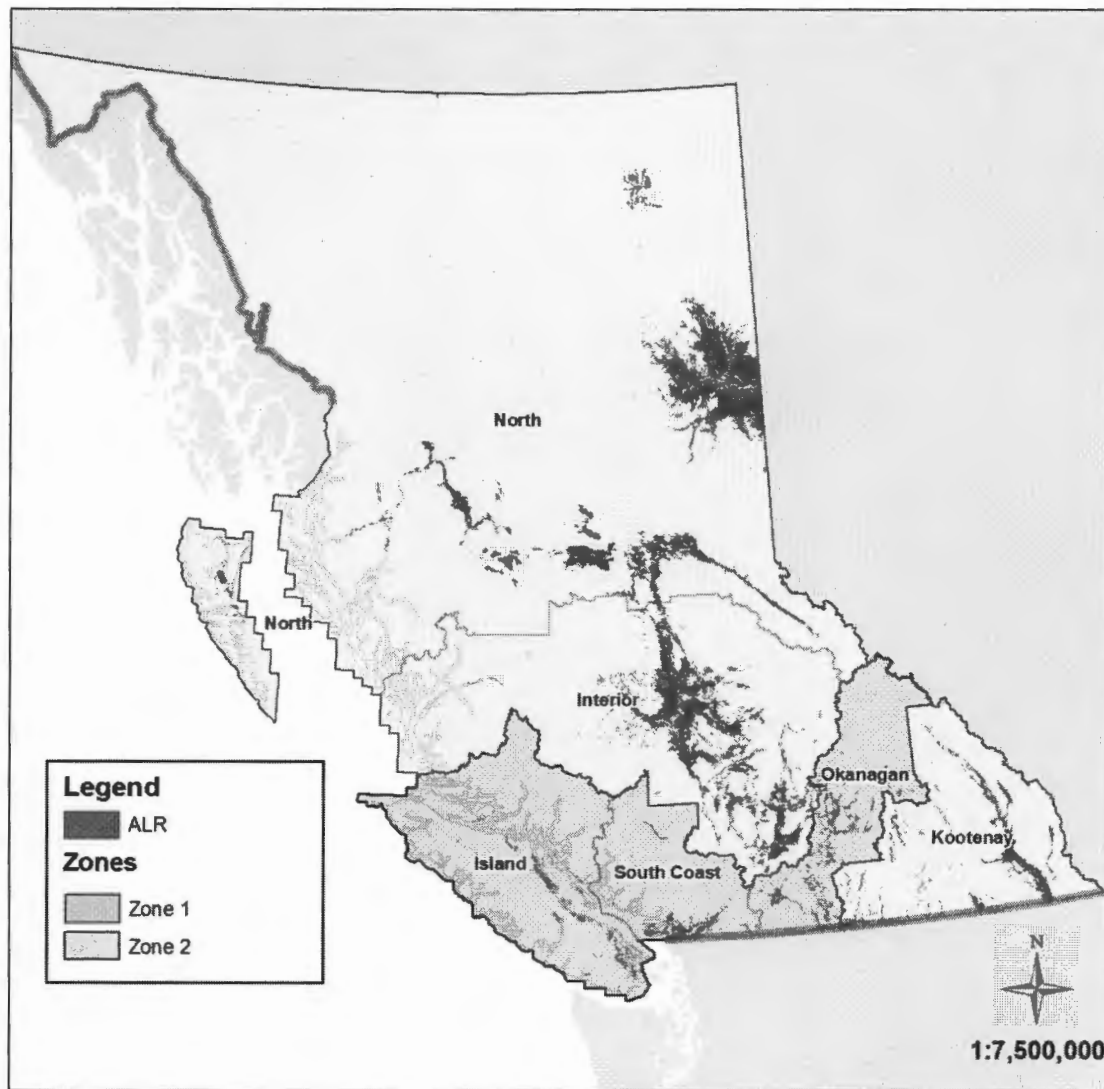
Table 1: Legislative Framework for British Columbia and City of Kelowna

	POLICY	LEGISLATION	GOVERNANCE
PROVINCIAL	<ul style="list-style-type: none"> <li>· ALC Policies [21]</li> <li>· ALC Information Bulletins [2]</li> <li>ALC Planning Guides: <ul style="list-style-type: none"> <li>· “ALR and Community Planning Guidelines” (2004)</li> <li>· “Planning for Agriculture” (1998)</li> <li>· Guidelines for Conservation Covenants (2011)</li> <li>· Landscape Buffer Specifications (1993)</li> <li>· ALC Annual Commission Reports (1999-2015)</li> </ul> </li> <li>BCMA Planning Guides: <ul style="list-style-type: none"> <li>· Guide for Bylaw Development in Farming Areas (2015)</li> <li>· Guide to Using and Developing Trails in Farm and Ranch Areas (2005)</li> <li>· Trails Through Agricultural Areas Brochure (2005)</li> <li>· Planning Subdivisions Near Agriculture (1997)</li> <li>· Subdivisions Near Agriculture: A Guide for Approving Officers (1996)</li> <li>· Strengthening Farming Program</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>· <i>Agricultural Land Commission Act</i> (2002)</li> <li>· Agricultural Land Reserve Use, Subdivision, and Procedure Regulation (2002)</li> <li>· <i>Local Government Act</i> (2015)</li> <li>· Right to Farm Regulation (1997)</li> <li>· <i>Farm Practices Protection (Right to Farm) Act</i> (1996)</li> <li>· <i>Land Title Act</i> (1996)</li> <li>· <i>Environmental Management Act</i> (2003)</li> <li>· <i>Water Act</i> (1996)</li> <li>· <i>Mines Act</i> (1996)</li> </ul>	<ul style="list-style-type: none"> <li>· Agricultural Land Commission</li> <li>· ALC Governance Policy (2014)</li> <li>· ALC Site Visit Policy (2014)</li> <li>· Policy Statement Concerning the Role of Elected Officials in Applications to the ALC (2014)</li> <li>· <i>Administrative Tribunals Act</i> (2004)</li> <li>· <i>Assessment Authority Act</i> (1996)</li> </ul>
	· LGA Part 13 428 (e) Purpose of regional growth strategy: maintaining the integrity of a secure and productive resource base, including the agricultural land reserve.		
REGIONAL	<ul style="list-style-type: none"> <li>· Okanagan-Shuswap Land Resource Management Plan (2001)</li> </ul>	<ul style="list-style-type: none"> <li>· <i>Central Okanagan Regional Growth Strategy</i> (Bylaw No. 1336, 2014)</li> </ul>	
	<ul style="list-style-type: none"> <li>· LGA Section 475(4): If the development of an official community plan, or the repeal or amendment of an official community plan, might affect agricultural land, the proposing local government must consult with the Agricultural Land Commission.</li> <li>· LGA Section 477(3): If the proposed official community plan applies to land in an agricultural land reserve established under the Agricultural Land Commission Act, refer the plan to the Provincial Agricultural Land Commission for comment.</li> <li>· LGA Right to Farm Regulation (4): Sections 903(5) and 917 of the Local Government Act apply to the council of The City of Kelowna, in relation to the entire geographic area of that municipality, on and after the date this section takes effect.</li> <li>· ALCA Section 46(2): A local government in respect of its bylaws and a first nation government in respect of its laws must ensure consistency with this Act, the regulations and the orders of the commission.</li> <li>· ALCA Section 46(4): A local government bylaw or a first nation government law that is inconsistent with this Act, the regulations or an order of the commission has, to the extent of the inconsistency, no force or effect.</li> </ul>		
LOCAL	<ul style="list-style-type: none"> <li>· Kelowna Agriculture Plan (1998)</li> </ul>	<ul style="list-style-type: none"> <li>· <i>Official Community Plan</i> (Bylaw No. 10500, 2014)</li> <li>· <i>Zoning</i> (Bylaw No. 8000, 2012)</li> <li>· <i>City of Kelowna Farm Bylaw</i> (Bylaw 8694, 2001)</li> </ul>	<ul style="list-style-type: none"> <li>· City of Kelowna Council</li> <li>· Kelowna Agricultural Advisory Committee (recommendations only)</li> </ul>

#### 1.4.1 Recent Amendments to the ALCA and ALR Regulation

On May 29, 2014, the government passed a series of contentious amendments to the ALCA. These amendments, known as Bill 24, included three critical changes: it divided the ALR into two zones; allowed more non-farm uses on ALR land in Zone 2; and decentralized decision-making authority of the ALC in six regional panels (Figure 2). Although the ALC will continue to function with farmland protection as a priority in Zone 1, it now considers a wide range of additional factors in Zone 2. These include local economic, cultural, and social values, regional planning objectives, and any other considerations that the provincial government may define (*Agricultural Land Commission Act*, 2002, c 36). ALR regulations were also amended to allow more residential uses of ALR land within Zone 2 (reg. 171).

Figure 2: Agricultural Land Reserve (ALR) Zones



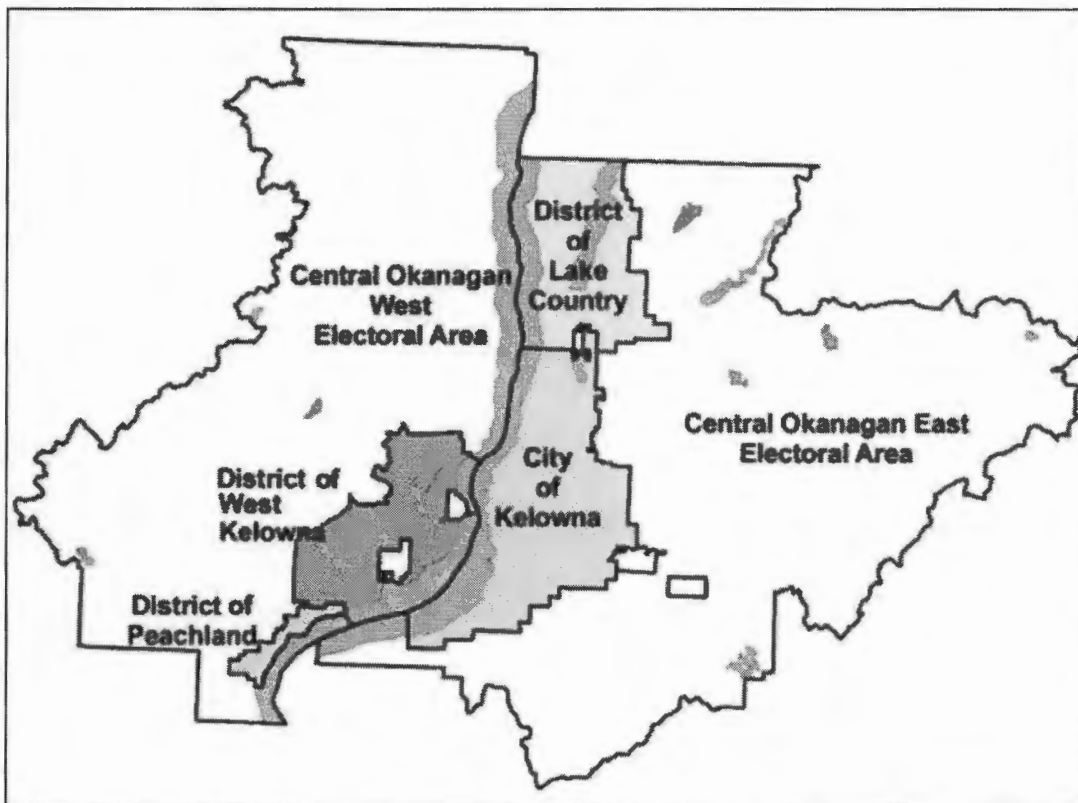
Source: "What the Commission Considers." (2014). *Provincial Agricultural Land Commission*.

### 1.5 Agricultural Land Use Planning in the City of Kelowna, BC

In order to gain a greater understanding of the ALC's application process and long-range planning in practice, the City of Kelowna will be used as a case study site. The City of Kelowna is located in the heart of the Okanagan valley in the Regional District of Central Okanagan (RDCO). It is east of Okanagan Lake, west of the RDCO's Eastern Electoral Area, south of the

District of Lake Country, and north of the District of Summerland (Figure 3). It has approximately 26,241 hectares in its jurisdictional area and is home to a growing population of over 106,000 inhabitants (Kelowna Agricultural [Ag.] Overview, 2008). According to its Official Community Plan (OCP), the City of Kelowna is one of the fastest growing areas in British Columbia with an average annual population growth rate of 1.51% (2014). Due to population increases over several decades, surrounding agricultural lands have been subject to constant and significant urban and suburban growth pressures.

Figure 3: Map of the Regional District of Central Okanagan (RDCO)

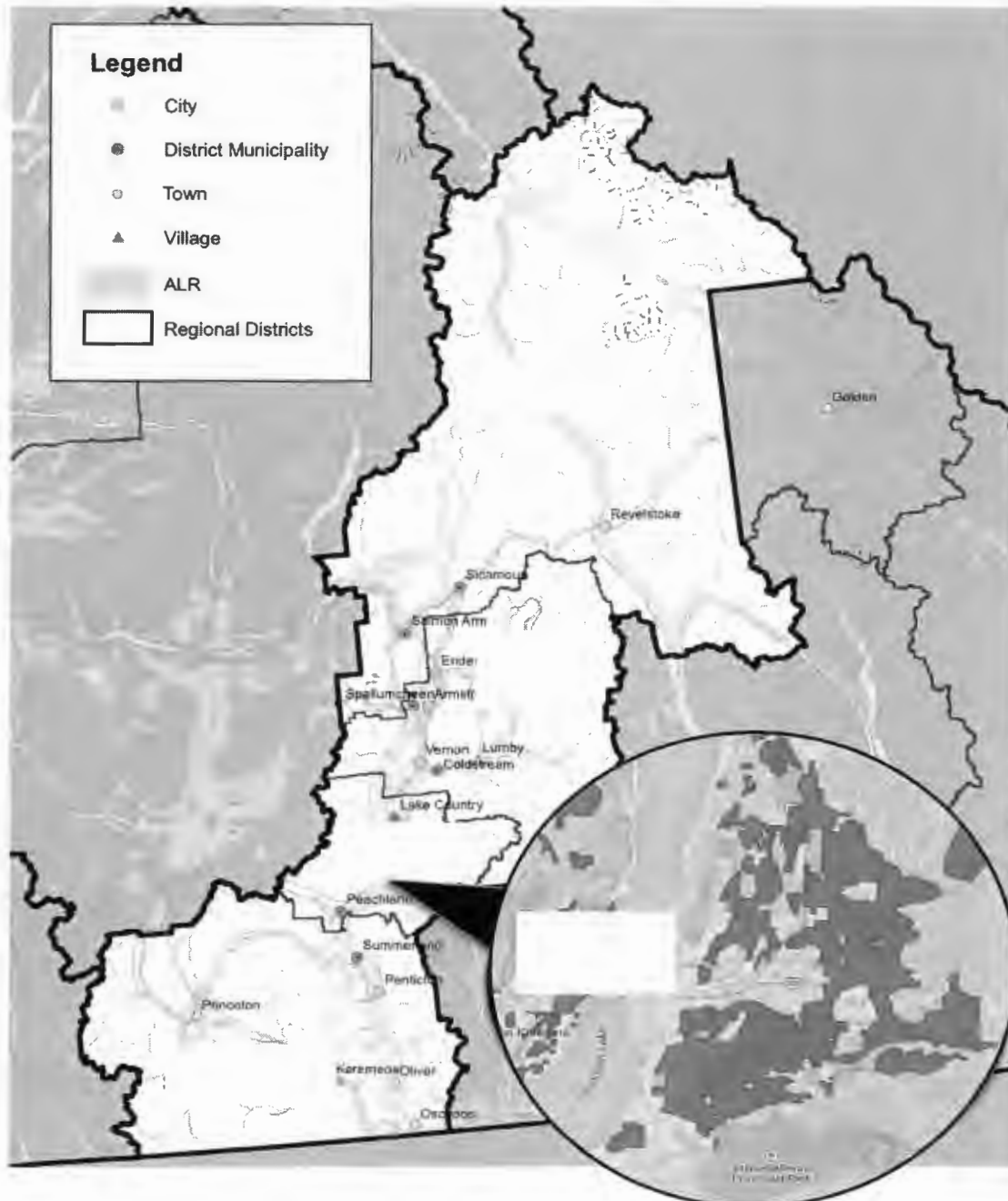


Source: "Regional Districts." (2015). *Ministry of Community, Sport & Cultural Development*.

The City of Kelowna also belongs to the ALC's Okanagan Regional Panel, one of the ALC's six decision-making bodies (Figure 4). This means that three Commissioners make all ALC decisions for applications from the City of Kelowna. This panel is responsible for all ALR

activity within the Central Okanagan, Columbia Shuswap (except Golden area), North Okanagan, and Okanagan-Similkameen Regional Districts (Bullock, 2014, 15).

Figure 4: Areas of Interest



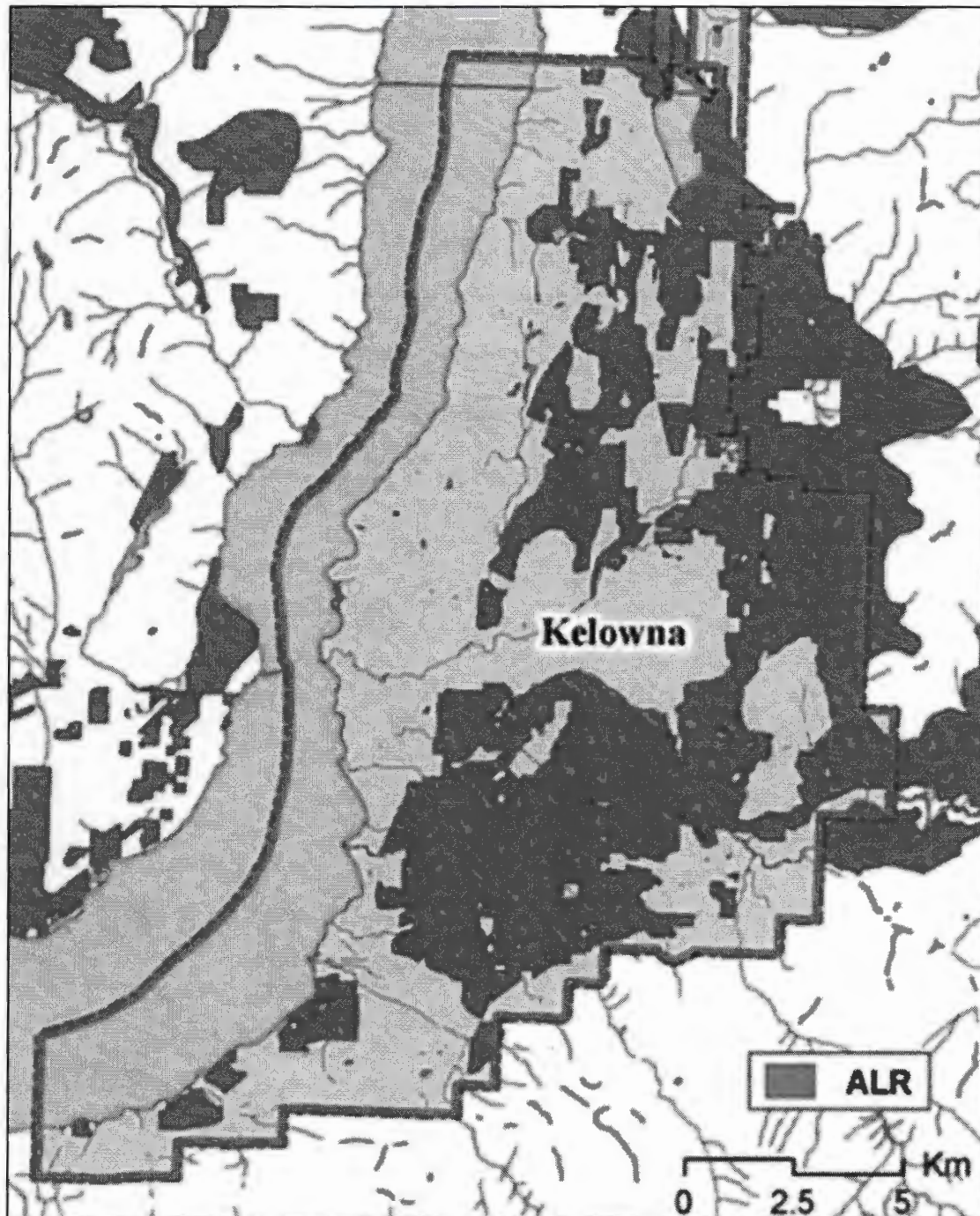
Source: "ALR & Maps" (2015). *Provincial Agricultural Land Commission*.

The City of Kelowna is one of British Columbia's largest producers of soft fruits, berries, and nuts. Due to the region's distinct microclimate, apples, pears, cherries, and grape orchards are the most prevalent and contribute to the region's growing wine industry. About 1,700 hectares of Kelowna's land base produces 47% of all soft fruits, berries, and nuts from the entire RDCO, making it a crucial part of the Okanagan's agricultural economy (Kelowna Agriculture In Brief Factsheet, 2008). Overall, Kelowna has approximately 8,522 hectares, or 38% of the land base within city limits, in the Agricultural Land Reserve ("The Agricultural Land Reserve and its Influence on Agriculture in the City of Kelowna: A Review from 1973 to 2006," [BCMA] 2008; see Figure 5). It is also home to over 30% of all ALR land in the RDCO and accounts for 50% of all land being farmed in the region. In 2006, there were 555 reporting farms within the area with an average size of 23.7 hectares (Kelowna Ag. Overview, 2008). Consequently, it is an important farming region and produces a wide variety of specialty crop that cannot be grown in other areas of the province (BCMA, 2008).

Kelowna has also become one of the main marketing and distribution centers in the Okanagan Valley. As a result, it has a light industrial and manufacturing sector that services the entire region. Competing land uses also include a large amount of commercial, recreational, and residential spaces. Due to its central location in the Okanagan Valley, Kelowna has become a point of reference for many people and businesses throughout the region and has allowed the city to expand tourism opportunities ("About Kelowna", 2014).



Figure 5: ALR Land in The City of Kelowna



Source: "City of Kelowna: Agricultural Overview" (2008). *Ministry of Agriculture and Lands*.

Agricultural land use planning in Kelowna is guided by a variety of legislation and policy documents (summarized in Table 1, above). Most notably, its recently updated OCP (2014) is composed of general land use restrictions for the municipality. It is by far the strongest document guiding agricultural land use planning decisions due to its detailed chapter on development permit guideline specific to farmland. This chapter acknowledges the growing urban pressures on farmland and is meant to help protect existing agricultural lots. In addition, Kelowna's zoning bylaw (2013) is also an important enforceable legislation document that regulates agricultural land uses. It includes policies for the management of A1 (agricultural lots), A1c (agricultural lots with carriage houses), and A1t (agricultural lots with agri-tourist accommodation) zones.

The City of Kelowna is also one of the first municipalities to adopt an agricultural plan (1998). It is a very comprehensive document but has not been updated or adopted as a bylaw since it was completed. It is, therefore, inconsistent with other updated local and provincial regulations and does not seem to play a leading role in the municipality's agricultural land use planning decisions. Most significantly, this plan has not yet been updated to address recent population trends and its impact on farmland and in spite of major changes to the city's urban areas. It is unclear whether the age of this plan reduces the effectiveness of the legislative framework and increases possible interpretations of its intended action items.

Overall, the City of Kelowna has a relatively strong legislative framework despite a few inconsistencies (Daoust-Filiatrault and Connell, 2014). According to a report published by the BC Ministry of Agriculture (BCMA, 2008), the municipality has worked alongside the Ministry and ALC longer than most governments despite initial political resistance. In the late 1980s, for instance, the City of Kelowna approved and submitted the LORA, or Land Owner's Rights Application to the ALC that had hundreds of applicants requesting ALR exclusion for their lands



under one file. Although the application was refused by the ALC, the municipality sent a clear political message that it did not agree with the province's agricultural land use planning framework. Most refused exclusion applications listed in the report published by the BC Ministry of Agriculture can be attributed to this application, which stands as a reminder that acceptance of ALC regulations has not always been widespread in Kelowna (M. Collins [ALC Land Use Planner], pers. comm., July 20, 2015).

Today, however, there has been a significant change in the relationship between the City of Kelowna and the ALC and Ministry of Agriculture. It is reported (M. Steppuhn [Kelowna local planner], pers. comm., October 16, 2015) that without the influence of the ALC the municipality would have lost much of its agricultural land base at a very rapid rate. Kelowna is a very popular site for seasonal homeowners and out-of-province tourists. Consequently, there are a high number of changes to its land base and a dramatic rise in land prices. Increased population pressures and increased development have posed increased challenges in maintaining the integrity of the agricultural land base (BCMA, 2008) as local planners and ALC staff often do not have the time or resources to monitor all lots within the ALR boundary. However, the total amount of applications sent to the ALC is slowly decreasing (Daoust-Filiatrault and Connell, 2014). According to ALC records, there have been no approved exclusion applications in Kelowna in the last four years and there is evidence of more local government involvement in the application process. This higher level of involvement suggests that agricultural land use planning and farmland protection is becoming a higher priority for the city. This shift has been attributed to greater public interest in maintaining the city's rural agricultural setting and local government staff and council that are generally supportive of the ALR (M. Collins [ALC Land Use Planner], pers. comm., July 20, 2015).

## Chapter 2

### LITERATURE REVIEW

This literature review centres on the topic of evaluation of farmland protection programs. Given that most farmland protection programs have been in place only since the 1970s, evaluations of these programs are limited, with most of them having been completed after 1980. I first focus on types of evaluation in land use planning. This general review helps to frame the more specific evaluations of agricultural land use planning and farmland protection. I then explain where my research question and methods fit within this literature and how my thesis will respond to issues previously identified in this area of study.

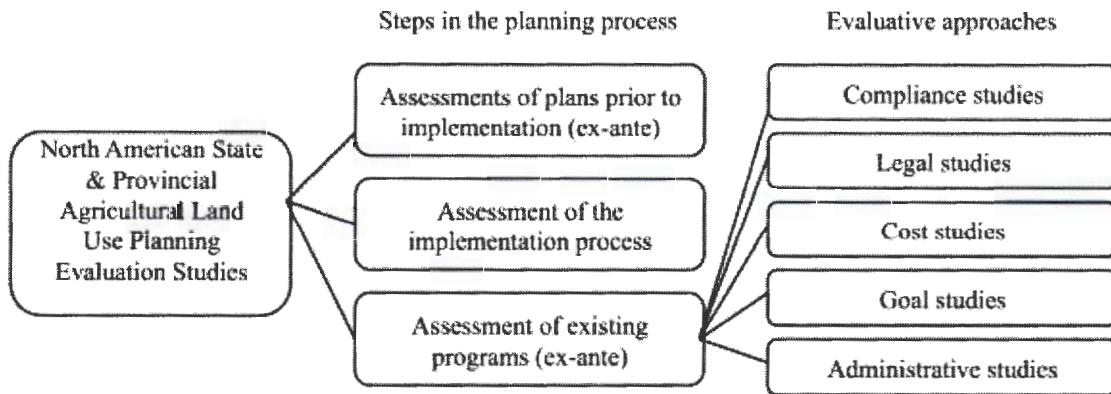
#### 2.1 Types of Evaluation in Land Use Planning

Past studies have used a variety of approaches to evaluate the effectiveness of land use planning policies and programs. These studies can occur at multiple steps of the planning process, including assessments of plans prior to implementation, the implementation process, and examinations of existing programs (Talen, 1996). For the purpose of this study, only assessments of existing policies and programs will be reviewed. These assessments range from predetermined plan quality indicators to quantifiable measures including spatial analysis, farmland area totals, or soil capability ratings. I will review and classify the diverse approaches and methods used to assess farmland protection programs.

Lowry (1980) distinguishes five different evaluative approaches used to assess state land use and environmental programs (Figure 6). While his discussion does not specifically refer to farmland protection, there are very few other authors outlining the different approaches used to examine planning frameworks and Lowry's classification system seemed fitting for the purpose

of this study. He identifies five approaches to evaluation studies of land use planning: legal assessments, goal achievement studies, administrative capability assessments, cost studies, and compliance studies.

Figure 6: Classification Hierarchy of Farmland Protection Evaluation Studies



These five evaluative approaches provide a framework to review existing studies and discuss the varying methods used within each approach to evaluate agricultural land use planning frameworks.

- (a) Compliance studies analyse the willingness of officials to follow decisions presented by a governing body. This approach includes addressing the “administrative consistency” with how secondary bodies implement the existing framework (Lowry, 1980, 90).
- (b) Legal assessments refer to studies evaluating the “judicial acceptability” of state land development controls and tend to draw awareness to certain ambiguities, inconsistencies, and legal limits in the regulatory framework.
- (c) Cost studies are designed to evaluate a program’s financial situation, which includes potential interest charges, additional studies needed, indirect costs, and the price of land associated with a land use policy. This is one of the most common arguments against land use planning controls since the land market can be highly volatile to farmland protection programs and infringe on private or development interests.
- (d) Goal achievement evaluations refer to studies focusing on the “extent to which state land use programs successfully achieve their statutory objectives” (Lowry, 1980, 89).

According to Lowry, the majority of studies evaluating provincial and state land use planning programs use a goal approach and is the most diverse evaluative approach as it often uses a wide variety of methods to assess the degree to which programs are successfully achieving their objectives. For instance, these studies range from descriptive single site accounts measuring public support to empirical spatial analysis using land use and soil capability data (Talen, 1996).

- (e) Administrative capability assessments aim to assess a state's ability to engage with land use control and often seek to establish 'ideal' planning structures and discuss the most effective administrative conditions. These studies also comment on “how variations in types of administrative structures and administrative resources could be correlated with variations in patterns of regulatory behaviour” (Lowry, 1980, 90).

These classifications appear to be applicable to the majority of approaches used in farmland protection evaluations and, as such, help to classify existing agricultural land use planning frameworks. These five evaluative approaches are described in more details in the following subsections.

#### 2.1.1 Compliance Studies

Compliance studies analyse the readiness of officials to implement decisions or regulations presented by a governing body (Lowry, 1980, 90). Only Lowry's (1980) study of Hawaii's state level agricultural land program evaluates effectiveness of an agricultural land policy from a compliance approach. He analyses the willingness of officials to implement state-level regulations by evaluating archived petition decisions to determine whether there is a line of consistency between governing bodies. Lowry determines that there is a high degree of agreement between local (county) recommendations and the recommendations of its professional staff on a substantial proportion of decisions. He notes, however, that the preservation of agricultural land is not prioritised enough in petition decisions.

Lowry determines that successful frameworks require a high level of compliance between levels of government. This is measured by assessing land use petition decisions and whether local and state staff cooperates to implement the program. Compliance is an important and highly influential factor to consider when evaluating the effectiveness of a state or provincial land use program. However, measuring compliance is not often used to assess effectiveness, which may be due to the difficulty of determining indicators to evaluate cooperation between government levels and shifting staff opinions over time.

#### 2.1.2 Legal Assessments

Legal assessments evaluate whether land use programs are judicially sound (Lowry, 1980). In British Columbia, there are three studies assessing changes to the provincial agricultural land use planning framework from a legal perspective. Although all these studies are considered ‘grey literature’, they are nonetheless significant for their discussion of effectiveness and whether BC’s program is legally acceptable.

A highly influential report commissioned by the BCMA (Quayle, 1998) reviewed the use of the term “provincial interest” in the ALCA. It was the first legal study aimed at reviewing the ALC and was very different than previous studies. The legal issue is whether the term “provincial interest” is clear and gives the provincial cabinet authority to override the ALC process. Bypassing the ALC on land use decisions can reduce the ALC’s power and effectiveness in protecting farmland. Quayle uses a stakeholder consultation process to determine if and how the term ‘provincial interest’ should be defined in the ALCA and how competing interests for the land base should be balanced. The review determines that conflicting wording in the ALCA can have negative impacts on the protection of agricultural lands and provides four recommendations to strengthen agricultural land use planning regulations.

A report (Green, 2006) by the Environmental Law Clinic at the University of Victoria for the ALR Protection and Enhancement Commission (ALR-PEC) assessed whether the regional panel system preserves the integrity of the ALR. The legal issue was whether the Regional Panels can “continue to exclude significant amounts of ALR land in areas where appropriate boundaries have already been established” (5). The report examines four exclusion decisions from three regional panels and reviews their methods in reaching decision. This study also identifies loopholes and inconsistencies between decisions to determine framework weakness in protection farmland. The report concludes that the regional panel system does not preserve the integrity of the ALR and will not provide a net benefit to agriculture in the long-term.

A report from SmartGrowth BC, prepared by West Coast Environmental Law (Curran 2007), evaluates how “community need” is unjustified as a criterion for exclusion and whether it goes against the mandate of the Commission. The legal issue is that “community need” is not part of the ALCA but was introduced to the decision-making process via an ALC annual service plan. The legality of using “community need” as the basis for excluding farmland was evaluated with an analysis of the ALCA, a judicial comment about the ALR, a brief review of applications, and discussion of recent changes in regulation. The argument focuses on identifying loopholes and inconsistencies between the revised legislation, the Commission mandate, and exclusion applications by carefully interpreting and analysing decision statements. The report determines that “community need” is a loose interpretation of the law and in direct conflict with the mandate to protect farmland.

In these three studies, Curran (2007), Green (2006), and Quayle (1998) each addresses a component of the legislation rather than evaluate the entire framework. They rely on previous application decisions and the ALCA’s mandate as precedent to evaluate legality. All three

determined that a strong legal framework is essential in ensuring program success and that legal inconsistencies can have negative impacts on the land base.

### 2.1.3 Cost Studies

Cost studies are designed to evaluate a program's financial situation and impact (Lowry, 1980). Studies have focussed on assessing the effectiveness of farmland protection by discussing the role of hobby farms in influencing land costs. Stobbe et al. (2009) use an empirical cost analysis to determine how hobby farms impact the price of land and long-term growth of the reserve. Their analysis determines that since the ALR treats all farming equal, hobby farms are actually not favourable to the ALC's mandate to preserve land due to tax loopholes. The prior study by Nelson (1992) to assess Oregon's farmland protection program asserts that effective frameworks "[...] increase the productive value of farmland, [...] stabilize, reduce, or eliminate consumptive values, and [...] eliminate inefficient speculative value of farmland" (Nelson, 1992, 469). Both these studies use land prices as the basis for their evaluation and have defined sections discussing the varying cost models used to evaluate how farmland protection programs drive up land prices.

Katz (2009) reviews the BC ALR from a cost approach to determine its impact on the land markets. She cites consumer preference data, the rising housing market, and the high price of land as criteria to evaluate agricultural policies. Although her assessment cites relevant data, there are no defined methods or clear justifications for considering this approach. Her analysis also comments on the dangers of "localism" to consumers based on food safety standard cases and the violation of provincial zoning on individual property right, which strays from her initial arguments and evaluative approach.

Overall, studies using cost to evaluate entire state and provincial frameworks are limited in their ability to provide a comprehensive evaluation. Most only address land costs, rather than

the actual cost of the program, as an element of success. A further area of study could discuss the cost of not having existing programs in place (Lowry, 90) and the long-term financial impact of removing farmland protection programs.

#### 2.1.4 Goal Studies

Goal achievement evaluation is the most diverse approach and refers to studies focusing on if or how programs fulfil intended objectives (Lowry, 1980). They use public support as a measure for effectiveness and acknowledge the lack of data available to make solid inferences. Furuseth (1980) evaluates the effectiveness of Oregon's framework in protecting agricultural land. He outlines the success and failure of the program, and attributes they are specific to Oregon in keeping agricultural land in use. He concludes that Oregon is more successful at agricultural protection than other states largely due to high public support for the program. Similarly, in a subsequent study, Furuseth (1981) asserts that there are two ways to evaluate a policy; "1. Does the policy have the support and backing of the public it is designed to service? 2. Does it succeed in achieving its objectives?" (307). According to these criteria, he concludes that the program has been successful in gaining public support but acknowledges that there is little baseline data to determine whether it has achieved its objectives. Taken as a whole, goal approach evaluations have been the focus of most early state or provincial land use planning program studies.

Following this work, Pierce & Furuseth (1982) also undertake a goal evaluation study to determine the effectiveness of BC's ALCA using two previous reports (Environment Canada, 1978; Pierce 1981). Specifically, they discuss "the correspondence between the aims and outcomes of the program" since the law's enactment (558). Program effectiveness is determined by analysing farm viability and protection of agricultural land over time from secondary data sources. They also address the quantity of exclusion applications and comment on how it was



initially supposed to fine-tune boundaries for a limited time. Pierce and Furuseth conclude that the ALCA is effective. However, their study lacks primary data and concrete methods, which would strengthen their results. Although their report is mostly descriptive, they provide an important historical account of previous decisions and changes to the legislation.

Berger & Bolte (2004) use three policy alternatives to analyse potential future growth patterns of Oregon's agricultural land. They compare the current farmland protection program, an increased reliance on market forces to determine land use, and an increased emphasis on environmental restoration programs. The results are represented spatially and illustrate the type and quantity of farmland conversion of each scenario. The study uses an 'agricultural landscape evolution' model as the basis of their evaluation to determine whether Oregon's protection program is fulfilling farmland protection goals. Unlike other goal achievement approaches, they use different records including crop data, biophysical characteristics of agricultural fields, and water allocation information to discuss effectiveness. This study is unique in its approach and presents a different means of evaluating farmland protection over time.

Daniels & Nelson (1986) argue that Oregon's agricultural land use planning program has only been successful to some extent in achieving its goals. They determine that the increase in hobby farms throughout the state increases land prices and competition for the land base between smaller farms and commercial farming units. They test their hypothesis by comparing census results between 1978 and 1982 to determine farmland trends. It was found that the number of farms in Oregon and Washington increased while they decreased in the entire US. However, Oregon lost the most acres, followed by Washington and the rest of the country. Their analysis suggests that Oregon was successful in protecting farmland but that its policies may have fostered small-scale operations.

In BC, Pierce (1981) evaluates the objectives of the ALCA and determines that the success of the program is inconclusive. His study focuses on exclusion applications to determine effectiveness and notes that two variables, farmland totals and soil capability, are equally important indicators of successful programs. After examining exclusion applications between 1974 and 1978 he asserts that the ALC has successfully protected the amount of agricultural land but has not maintained the amount of quality land within ALR boundaries. He suggests that few guidelines and information on the impact of applications has diminished the effectiveness of the Commission. However, given the number of rejected applications, Pierce concludes that it is clear that without the reserve the quantity of agricultural lands in BC would be much less.

Governments and interest groups often use goal evaluation approaches to assess effectiveness of farmland protection programs. This wealth of ‘grey literature’ evaluating BC’s ALCA aims to assess whether the objectives and farmland protection mandate of the Commission are being fulfilled (Audit of the Agricultural Land Commission, 2010; see also Bullock, 2010; ALR-PEC, 2005). An analysis by the David Suzuki Foundation, for instance, concludes that recent changes to the legislation “set[s] a very broad and loose precedent” that does not fulfil the ALC’s intended mandate (Campbell, 2006, 19). These reports are largely descriptive but rely on publically available land use or soil capability data and statistics to discuss effectiveness. They often count the amount of exclusion applications submitted.

There is also a significant goal assessment study by the BC Ministry of Agriculture (BCMA, 2008) evaluating the ALC’s effectiveness in protecting farmland. Unlike other government reports, it focuses on the ALR in the City of Kelowna to determine how influential the ALC has been in protecting farmland within the municipal limits. It uses site information pulled from applications to the Commission between 1973 and 2006 and identifies all parcels

approved or refused for exclusion. These data were then inputted into a Geographic Information System (GIS) and matched with agricultural land use information. This method is effective in order to spatially represent farmland loss and indicate which areas receive the most exclusion applications. Its analysis, however, could be strengthened if it also commented on the total loss of prime soil. It also does not discuss the impact of the application process on farmland over time; rather, it assumes that without the entire ALR there would be very little farmland. This argument is not well developed and does not include how or what elements of the ALC make it effective in protecting farmland.

Overall, goal evaluations employ the greatest variety of methods to determine whether program objectives are achieved. Those addressing public support and secondary data as the basis for evaluation are important commentaries on the success or failure of farmland protection programs but only provide a descriptive account. Since there is a lack of available or easily measured data for farmland protection, this diminishes the ability of researchers to produce new conclusions about the state of agricultural land use planning (Furuset & Pierce, 1982; Talen, 1996). Only studies using spatial models and application data seem to add a new perspective to the discussion. This work moves beyond a general discussion of farmland protection and comments on the actual impact of policies on the land base.

#### 2.1.5 Administrative Studies

Administrative capability assessments assess varying types of administrative structures and the extent to which the governing body is able to engage in land use planning (Lowry, 1980). In Oregon and British Columbia, there are a variety of administrative studies addressing the effectiveness of provincial and state land use planning programs from an administrative

approach. These tend to assess a government's ability to engage with land use control and discuss variations in administrative structures.

Similar to SmartGrowth BC's evaluation, Androkovich (2013) discusses the impact of 'community need' as a consideration for exclusion applications. He, however, only addresses one component of the program, the current application review process, and argues that BC should adopt the Land Evaluation / Site Assessment (LESA) ranking system to assess applications. His evaluation of existing application decision procedures using 'community need' concludes that a shift in administrative practices towards this system would ensure greater consistency and transparency in the decision making process. This report presents an interesting and different structure for assessing applications by evaluating the ALC's ability to address specified issues in its previous decision statements.

Comparative assessments are used within the administrative approach to evaluate whole planning frameworks. Alterman (1997) uses a cross-national comparison of laws, policies, and program structures from six developed countries to discuss the degree in which each has attempted to curb farmland loss. She evaluates and compares seven program aspects including "direct farmland conversion controls" and the "types of planning system & levels of government" (236). She does not, however, comment specifically on application processes. Although she briefly discusses BC, Oregon, and Hawaii's frameworks, she does not discuss specific aspects of their structures and how their application (or petition) practices may impact long-term farmland protection. In addition, her methods are not well indicated and conclusions are vague, thus only providing a general commentary on what works and what doesn't.

Cavendish-Palmer (2008) evaluates a variety of management policies that could strengthen the ALR and its ability to protect farmland. She developed a comprehensive set of

criteria to evaluate the management policies in selected sites in order to examine state level land use preservation programs across North America. She undertakes a series of interviews with local stakeholder to better understand how changes to the ALR could improve farmland protection. Overall, she determines that the centrally managed frameworks with support staff and strong ties to local municipalities are elements of successful programs. Her assessment criteria are well-cited and provide a strong analysis of different frameworks. She concludes with a series of policy recommendations, of which include enacting a moratorium on exclusion applications.

Hanna (1997) evaluates the ALR's operation, critiques its ability to protect BC's limited land base and provides brief recommendations to improve the program. He reviews the history of the ALR, outlines the Commission's current operations, and discusses the impact of the Reserve using farm and farmland statistics. He concludes that farmland regulation in the form of an ALR is a reasonable land use planning approach but has issues with equity due to a lack of farm income compensation. He also states that although the "present framework for the ALC provides basic integration with local planning and development regulation [...] farmland preservation might benefit from a more formal role for the [C]ommission as an advocate for agriculture and farmland conservation with other agencies" (170). He concludes that the ALC should operate beyond its current zoning role and take on a broader conservation focus to have a more formal influence over government and policy.

Alterman (1997), Hanna (1997), Cavendish-Palmer (2008), and Androkovich (2013) all evaluate state and provincial frameworks from an administrative perspective. These authors make inferences about ideal administrative conditions by comparing different land use programs and identifying common elements of success. Only Cavendish-Palmer's study provides concrete results due to her well-defined evaluation criteria. In these studies, the authors do not question

the existence of farmland protection programs but seek to improve them by incorporating administrative elements of other frameworks.

## 2.2 Limitations of Evaluation Studies

The following section outlines several common critiques of the existing plan evaluation literature based on the studies reviewed above. An overriding concern, as identified by Beesley (1999), is that, because state and provincial land use planning frameworks are not the most common farmland protection practice in North America, existing literature on this subject is highly fragmented and results are often problematic (Beesley, 1999). Existing evaluation studies seem to have limitations with how to define and measure the effectiveness of these initiatives and their outcomes.

### 2.2.1 Problematic Evaluation Methodologies

Several problems have been identified with the methodologies of farmland protection evaluation studies. Bryant and Russwurm (1982) assert that evaluation methodologies for farmland protection schemes are often problematic. While there are many approaches, few evaluations provide a full picture of factors affecting the land base. In many cases, studies even fail to define their methodology or the criteria used to assess a framework. Talen (1996) also notes that, "[t]he planning community has shown a curious lack of interest in developing methods to evaluate how successfully plans are implemented" (248). Disjointed approaches to evaluating planning initiatives create highly conflicting results regarding specific program strengths, successes, and areas of improvement. Many studies are unclear in their conclusions and it is difficult to discuss and compare what aspects of a program works and what doesn't.

### 2.2.2 Lack of Available Data

There is a lack of accessible and new data available to determine how agricultural land use planning programs limits the analyses that can be completed in many states and provinces that do not collect land use information or monitor other influential factors that may affect the agricultural land base (Furusest & Pierce, 1982; see also Gosnell, 2011). As a result, there is very little baseline knowledge of how farmland protection schemes should operate and very little ability to measure how a program can account for changes observed (McDavid & Hawthorn, 2006). For instance, public support or compliance measurements of agricultural policy may not provide reliable conclusions about effectiveness and how these programs impact the people and resources they are meant to service. Talen (1996) specifically notes that, “perhaps the most salient reason that quantitative empirically based planning evaluation has not moved forward is the inherent difficulty of obtaining appropriate data” (256). She, along with a few others, specifically urges for more rigorous and empirically based plan assessment studies to verify existing data (Talen, 1996; see also, Gosnell, 2011; Daniels, 1990). This includes a greater use of spatial data, econometric model analyses, and various mitigation effects from land use planning (Gosnell, 2011).

### 2.2.3 Too Much Variance among Frameworks

The large variety among legislative frameworks hinders the ability to do comparative studies. Frameworks vary across state and provincial jurisdictions. Lowry (1980) argues that “[b]ecause state land use programs differ so widely [...] the analysis of program impacts does not lend itself well to comparative evaluation” (92). Although many state and provincial programs are similar, they may employ different tools and have different administrative structures that make it very difficult, and even impractical, to compare their schemes (Bryant & Russwurm, 1982). It must be

noted, therefore, that many plan evaluation studies do not provide concrete results or conclusions about certain land use planning frameworks but can only produce valuable insights and hypotheses about planning processes in other areas (Lowry, 1980). The inability to directly compare schemes, however, can be reduced if only aspects of programs, rather than frameworks as a whole, are evaluated for effectiveness (Lowry, 1980).

### 2.3 Literature ‘Take-Away’ Discussion

Using Lowry’s (1980) categories of approaches to evaluating land use programs, my proposed study is classified as administrative. This study evaluates how an administrative structure influences regulatory behaviour. The ALC application process can be considered an administrative structure because the large part of the ALC is organised around reviewing and providing decisions on these proposals. In addition, the application process guides regulatory behaviour and is often the most direct means for local governments to be involved in agricultural land use planning (“Working with Local Governments,” 2014). Addressing the application process from an administrative approach is advantageous because the results can be used as a basis for comparative review of other similar practices in other frameworks.

Within this approach, I will attempt to address two of the identified limitations. Lowry argues that existing administrative approaches tend to focus too heavily on identifying ideal planning systems and that there needs to be more work examining how “types of administrative structures and administrative resources could be correlated with variations in patterns of regulatory behaviour” (90). For example, Alterman (1997), Hanna (1997), Cavendish-Palmer (2008), and Androkovich (2013) have assessed land use planning frameworks from an administrative perspective by mostly focusing their evaluation on identifying ideal administrative conditions and classifying common elements of success. My research will attempt to bridge this



gap by evaluating only one component of the ALC's administrative structure for farmland protection. By focusing on only BC's agricultural land use planning framework, the study will not be encumbered by comparing variances among different state-level frameworks and can provide more concrete results about what works and what doesn't for the province. This study will also draw from methods discussed in Cavendish-Palmer's (2008) recommendations and Pierce's (1981) review of ALC applications to evaluate the extent to which the application process takes too much time. This mixed method approach aims to satisfy Talen's (1996) critique of the lack of rigorous empirical assessments to verify existing data and ambiguous methodologies. Notably, information from applications and annual reports will provide a clear criterion for assessment.

## Chapter 3

### METHODS

This study evaluates Richard Bullock's statement that (1) too much prominence has been given to the application process; and (2) not enough to long-range planning. To do so, this study analysed ALC applications for the City of Kelowna and Okanagan Regional Panel, Kelowna Agricultural Advisory Committee (AAC) meeting minutes, as well as interviewing planning professionals with experience in BC's agricultural land use planning framework. The analysis of datasets aimed to gain insight on application trends and understand the activity of the Agricultural Advisory Committee (AAC). Interviews were used to assess the extent to which the application process takes too much time, identify reasons why the application process may be time-consuming, and the potential benefits of dedicating more time to long-range planning. The City of Kelowna was used as a case study site to understand the application process and long-range planning in BC.

#### 3.1 Overall Approach

The application process (as depicted in Figure 1, above) serves as the central unit of analysis. Following Lowry's (1980) terms, the ALC application process is a type of administrative structure that affects how the governing body engages with land use planning, i.e., its outcome (application decisions) guides governing practices and involvement with agricultural policy at the local level. Thereby, the methods used for this evaluation research are consistent with the terms and scope of administrative studies. To evaluate the application process as an administrative structure, the contents of two datasets were analysed: (1) ALC applications for the City of Kelowna and Okanagan Regional Panel (2006-2014); and (2) Kelowna Agricultural

Advisory Committee (AAC) meeting minutes (2006-2014). Nine semi-structured interviews with planning professionals were also conducted.

This study uses a single case study research design to understand the prominence of the application process and its impact on long-range planning in BC. According to Yin (2012), a case study in an “inquiry about a contemporary phenomenon, set within its real-world context especially when the boundaries between phenomenon and context are not clearly evident” (4). This study fits within Yin’s definition, because the City of Kelowna is used as the primary unit of analysis to understand the agricultural land use planning context within which it operates.

The City of Kelowna was initially chosen as a case study site following a consultation with senior members of the ALC staff to determine relevant sites for an on-going three-year national agricultural land use planning study led by Dr. David Connell. Based on their expertise and knowledge of land use planning in BC, the ALC staff suggested that the City of Kelowna and Corporation of Delta would provide the most insights into the project’s research questions. My research was completed within the scope of the national project and drew upon the case study work completed in BC, as presented in the Introduction.

For the purpose of this study, only the City of Kelowna was evaluated to gain insights to the ALC and its application process. This site was chosen over the Corporation of Delta because it has become one of the most collaborative communities with the ALC despite having a history of non-support for the program (R. Bullock, pers. comm., July 17, 2015). The Okanagan region, and particularly Kelowna, has recently experienced a large population growth, placing significant pressure on its highly profitable agricultural land base that defines the area’s rural appeal. Kelowna is also home to one of the province’s most active AACs and has bylaws that are largely consistent with the ALCA (M. Collins, pers. comm., July 20, 2015). It was determined

that these factors make Kelowna a relevant site to assess BC's agricultural land use planning framework and whether the existing administrative structure promotes long-range planning.

### 3.2 ALC Applications for the City of Kelowna and Okanagan Regional Panel

#### 3.2.1 Data Collection

ALC applications and annual reports provided a first dataset with which to examine Richard Bullock's statement. Since these documents were easily accessible online, it was convenient and appropriate to use ALC applications for the City of Kelowna and Okanagan Regional Panel reports to gain insight on application trends. Material was gathered from every application listed online from 2006 to 2014 for the City of Kelowna and 2007 to 2014 reports for the Okanagan Regional Panel because they represent the most complete and publically available datasets on the ALC's website.

All applications submitted to the ALC since 2006 are public records accessible via the ALC website. Applications and any relevant documents are listed in the order they are received by the ALC and filed under the regional panel to which they belong ("Search Applications," 2014). Between 2006 and 2014, 147 individual applications from the City of Kelowna were submitted to the ALC. Despite some format variations, these applications generally include applicant names, an overview of the type land use request, the parcel identification number, existing land uses, parcel size, relevant maps, and the ALC's decision (Figure 7). ALC decisions are always accompanied with a justification such as a review of the legislative context, agricultural capability, agricultural suitability, an assessment of the potential impact on agriculture, and other potential factors (Figure 8). Of the applications collected, three were not used to evaluate application types and final decisions. These applications were omitted because one was a duplicate application rescinded by the applicant (application: 39039, 2010) and the

two others did not have the correct application file attached to their entries (application: 50041 & 38902, 2009).

The ALC's annual reports summarise application trends in each panel region. Reports completed since 1999 are publically available online, however, only ten annual reports have been published by the ALC since then. The ALC did not produce annual reports from 2002-2006, therefore; only annual reports from 2007-2014 were available for analysis. ALC annual reports include an overview of the ALC and its mandate, a variety of yearly operation updates, financial information, and a summary of ALR statistics for each regional panel. Regional panel statistics contain a report about the quantity and type of applications submitted, trends in ALC decisions, and the type and quantity of land affected. Only statistics for the Okanagan Regional Panel were reviewed for the purposes of this study.

Figure 7: ALC Application Information Example.

<b>APPLICATION ID: #52268</b>	
<b>PROPOSAL:</b>	To exclude 0.28 ha of the 25.2 ha parcel from the ALR, comprising the Summerhill winery building and associated parking, and include 0.4 ha into the ALR which has potential for grape production.
(Application submitted pursuant to section 30(1) of the <i>Agricultural Land Commission Act</i> )	
<b>PROPERTY INFORMATION:</b>	
<b>PROPERTY 1</b>	
<b>Owner:</b>	Stephen Cipes.
<b>Date of Acquisition:</b>	July 1986
<b>Parcel ID:</b>	026-350-807
<b>Title No.</b>	KX96478
<b>Legal Description:</b>	Lot 1, Sections 24 and 25, Twp 28, SDYD, Plan KAP78562
<b>Civic Address:</b>	4870 Chute Lake Road, Kelowna, B.C
<b>Size:</b>	25.2 ha
<b>Area in ALR:</b>	25 ha
<b>Current Land Use:</b>	Winery, grape production, parking, outbuildings
<b>Farm Classification:</b> (BC Assessment)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Figure 8: ALC Application Decision Example

<b>CONCLUSIONS:</b>	
<ol style="list-style-type: none"><li>1. That the property under application has agricultural capability, is appropriately designated as ALR and is suitable for agricultural use.</li><li>2. That the exclusion proposal has potential to negatively impact agriculture.</li><li>3. That the proposal is inconsistent with the objective of the <i>Agricultural Land Commission Act</i> to preserve agricultural land.</li></ol>	
<b>IT WAS</b>	
<b>MOVED BY:</b>	<b>Commissioner J. Dyson</b>
<b>SECONDED BY:</b>	<b>Commissioner G. Gillette</b>
THAT the application to exclude 0.28 ha containing the Summerhill Winery structures be refused as proposed.	

### 3.2.2 Data Analysis

Each application from the City of Kelowna (2006-2014) was reviewed for the following information and compiled in an Excel spread sheet: year, application number, applicant name, proposal summary, decision, parcel size (ha), parcel identification (PID) number, and type of application. Annual reports for the Okanagan Regional Panel (2007-2014) were also reviewed and the following information compiled in a separate Excel spread sheet: number of applications, type of applications, the relationship between ALC decision types and the quantity of hectares included or excluded from the ALR, and the agricultural capability for all approved hectares included or excluded. The data extracted from applications were then used to examine trends and compare application decision outcomes with application types.

## 3.3 Kelowna AAC Meeting Minutes

### 3.3.1 Data Collection

Kelowna's AAC meeting minutes provided a second dataset with which to examine Richard Bullock's statement and understand the activity of the Agricultural Advisory Committee (AAC).

Since these documents were also easily accessible online, it was convenient and appropriate to use AAC meeting minutes to understand the extent to which local governments are actively engaged in processing applications. Material was gathered from every meeting listed online from 2006 to 2014 for the City of Kelowna to mirror the timeframe for which ALC applications and annual reports were collected. Meeting minutes for Kelowna's city council were not examined due to the study's time limitations.

All meeting minutes and complementary item documents since 2001 for Kelowna's Agricultural Advisory Committee (AAC) are public records accessible via the city's website ("Agricultural Advisory Committee," 2009). Kelowna's AAC usually meets between five to nine times a year and generally reviews between four to nine applications per meeting. A total of 70 documents were reviewed for application decisions. Meeting minutes are almost entirely focused on reviewing ALC applications before they are sent to city council and then the ALC. AAC meetings generally consist of a city staff presentation outlining an applicant's request to the ALC, followed by any recommendations from the BC Ministry of Agriculture regional agrologist, and a discussion between city staff, the applicant, and members of the AAC. Discussions are entirely focused on determining whether the application proposes a net benefit to agriculture and formulate a recommendation of support or non-support based on these comments (Figure 9).



Figure 9: AAC Recommendation on an ALC Application Example

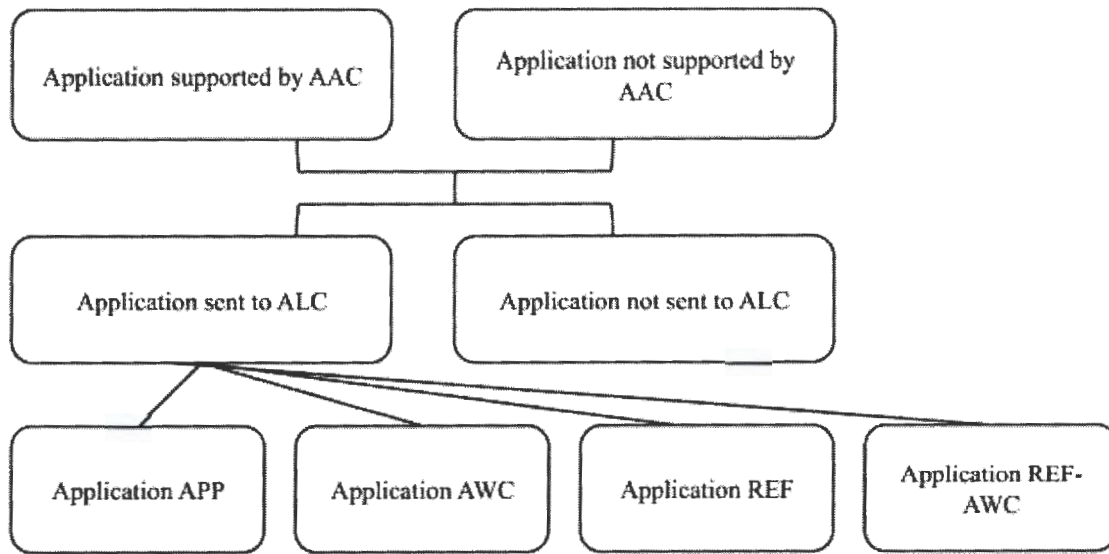
<p><u>RECOMMENDATION (ITEM 2)</u></p> <p><u>MOVED BY John Jannmat/SECONDED BY Yvonne Herbison</u></p> <p>THAT the Agricultural Advisory Committee recommends that Council <u>NOT</u> support Agricultural Land Reserve Appeal Application No. A14-0001 for the property located at 745 Cornish Road, Kelowna, BC for an application to the Agricultural Land Commission under Section 20(3) of the <i>Agricultural Land Commission Act</i> for a “non-farm use” within the Agricultural Land Reserve to allow a carriage house on the subject property.</p> <p><u>CARRIED</u></p> <p><u>ANECDOTAL COMMENT:</u> The Agricultural Advisory Committee expressed a concern that the property owners want to use the suite as rental income and suggested that the property owners investigate other options to increase their income.</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

### 3.3.2 Data Analysis

After AAC meeting minutes were collected, AAC application recommendations and the date each recommendation was received were then added to the same Excel spreadsheet used to compile information from ALC applications and reports. Then, all applications reviewed at the AAC level were crosschecked and matched with those collected from ALC archives. NVivo 10 for Mac (QSR International, Cambridge), a software program for qualitative data analysis, was also used to organise recommendation types and analyse the correlation between AAC recommendations and ALC decisions collected in the AAC meeting minutes. Eight values were created into “nodes” (as termed by the program), and AAC recommendations were coded according to each node (Figure 10). Descriptions for each node were based on the AAC recommendation of support or non-support and the four ALC decision types; approval (APP), allow with conditions (AWC), refused (REF), or refused but alternate proposal allowed with conditions (REF-AWC).



Figure 10: AAC Meeting Minute Node Tree



For the analysis of these data, it was assumed, based on previous findings, that the local city council rarely refuses to forward applications to the ALC (M. Steppuhn [Kelowna local planner], pers. comm., July 17, 2015). Although they have the right to deny applications they do not often exercise this power. In addition, their decisions are largely influenced by AAC recommendations indicating that the local AAC is a major determining factor on whether applicants might choose to not forward their application to the ALC after receiving a recommendation from the local AAC. Therefore, analysing the correlation between AAC recommendations and ALC decisions was an appropriate means to understand the extent to which local governments are actively engaged in processing applications.

It must be noted, however, that the information collected and cross checked with ALC applications may be incomplete. For instance, some applications may take more than one year from the initial review by the AAC before reaching the ALC. Therefore; some of the ALC applications between 2006 and 2014 may have been reviewed by the AAC prior to 2006 and are not accounted for in this analysis. All ALC applications reviewed by the AAC before 2006 were

omitted when evaluating decision consistency due to time limitations of the research. This means that the totals for how many applications sent to the ALC from the AAC may be greater.

In addition, there are fewer applications reviewed by the AAC (105) than the total number of applications the ALC received from Kelowna (147) because of frequent requests for reconsideration. That is, applicants who have already obtained an ALC decision may resubmit applications to the ALC multiple times if they can present new evidence for their requests. In most cases, these requests for reconsideration do not return to the AAC and local government for approval. As a result, any amended applications that return to the ALC for review were counted to understand the ALC's workload but not separated from the totals due to research time constraints.

### 3.4 Key Informant Interviews

#### 3.4.1 Data Collection

Key informant interviews were selected as a means to evaluate Richard Bullock's statement because different stakeholders interact with the application process at different stages of the process and at different levels of government. The goal was to gain input from professionals who are involved in the application process on whether the current application process is deterring from the ALC's ability to encourage local agricultural land use planning. Interviews were used to assess the extent to which the application process takes too much time, the level of importance placed on applications, identify reasons why the applications process has become too prominent, and the potential benefits of dedicating more time to long-range planning. Questions used during this study were largely open-ended, allowing informants to elaborate in their answers rather than respond in single words or brief sentences. They were also encouraged to discuss any other topics or factors they perceived to be relevant to the application process and long-range planning.

Overall, nine planning professionals were interviewed for this study and selected based on their professional roles and the breadth of their collective experience with BC's agricultural land use planning framework. Key informant interviews were conducted with local planners from the City of Kelowna, Kelowna Agricultural Advisory Committees (AAC) members, regional agrologists, current and former ALC staff, and private land consultants in the Kelowna area. There are a limited number of professionals dealing with the application process and these people operate at different levels of the process. Consequently, they have different perceptions of the application process as they interact with it as opposed to how others do. Therefore, participants were recruited based on their professional affiliation with the local and provincial agricultural land use planning framework. They were identified as people who are knowledgeable about the agricultural land use planning processes and related issues within the City of Kelowna and British Columbia as a whole.

All interviewees were initially contacted via email to explain the research and request a phone or in-person interview. If participants were responsive to the initial email request, an interview was scheduled based on their availabilities. I conducted all semi-structured phone and in-person interviews, which lasted approximately 45-60 minutes and were audio recorded. Before beginning the interview, key informants read an information sheet, reviewed the potential risks, and signed a consent form. Due to the nature of the research I asked participants to be identified based on their professional position in the final reports. They were given the option to keep their professional affiliations confidential. After the interview, I transcribed all audio recordings and returned the transcriptions to the interviewee for review to ensure accuracy of statements. The information collected was stored electronically on a laptop that could only be accessed by my supervisor and me.

Semi-structured interviews were deemed the most suitable means of capturing this information because, as Babbie (2007) explains, this survey method provided enough flexibility to capture subtle nuances of actors' behaviors that occur at different levels of the application process. This method encouraged a dialogue about the amount of time the application process takes and the potential benefits of dedicating more time to long-range planning. Key informants were also encouraged to discuss any other topics or factors they perceived to be relevant to the application process and long-range planning. The goal of these interviews was to evaluate the structure and dynamics of the ALC's application practice in the context of local agricultural land use planning. The information collected in these interviews focused on three central themes (see Appendix B):

1. Aspects of the ALC's long-range planning duties
2. The benefits and constraints of the application process
3. The level of agreement with Bullock's statement.

The interview guide's first section focused on aspects of the ALC's long-range planning duties. Prompts aimed to evaluate whether the application process is a barrier for long-range planning: "To what extent do you believe applications are deterring from the ALC's mandate to support local agricultural land use planning?" This section also discussed collaboration between local planning staff and the ALC in supporting local agricultural land use planning initiatives and asked informants to think about how this process could be affected if the ALC processed less applications. For instance, prompts asked, "What suggestions do you have to improve the level of collaboration between the ALC and local governments?"; "Do you think the ALC should spend more or less time on these reviews?" and; "How important do you think it is for the ALC and local governments to work together in preparing municipal land use planning documents?"

Participants were encouraged to give as many examples or personal experiences with the land use planning process as possible to help understand existing long-range planning initiatives.

The second section asked informants to discuss the perceived advantages and constraints of the application practice. Prompts focused on each informant's role in processing applications, the amount of time they believe the ALC spends on the application process, and the extent to which local governments are involved in processing applications. Specifically, it evaluated the amount of time and effort the ALC spends on reviewing applications and the level of importance and attention placed on the application process: "How much time do you believe the ALC, as a whole, spends on reviewing applications, e.g., too much or not enough?" and; "What is the role of applications in your day-to-day duties?" This section also asked informants to discuss how engaged they believed the local government is in processing applications, whether city politics are influential in determining decision outcomes, and whether the application process successfully limits certain activities on ALR land. Informants were also asked to consider the benefits of the application process using probes such as, "what do you believe are the most beneficial aspects of BC's legislative framework and specifically the application process that helps protect farmland?"

The third section in the interview guide asked informants to state their overall thoughts about Bullock's statement. Prompts in this section asked whether it would be possible to minimize the amount of applications submitted and whether having the ALC spend more time working with local governments on agricultural land use planning help to protect farmland. Informants were encouraged to discuss their level of agreement or disagreement in the most details as possible to help understand their position and the context within which they are formulating their opinions.

### 3.4.2 Data Analysis

All interviews were audio recorded for accuracy or by hand and then transcribed using a computer into separate Microsoft Word documents. Documents were then uploaded into the NVivo computer program and analysed using a qualitative approach. This allowed for the creation of various nodes (or codes) to help group and classify reoccurring themes throughout the interviews. For instance, reoccurring references such as “nuisance applications,” “pre-application meetings,” and “time spent reviewing individual applications,” were grouped by similarities to determine broader categories or themes. Following this, the identified codes were re-examined to identify broader overlying categories. This followed Babbie’s (2007) description of axial coding to help regroup data and identify any broader analytical concepts associated with the role of the application process. This method of analysis, using a mix of inductive and deductive reasoning, was selected because informant perceptions of the application process and long-range planning could be deconstructed with this approach and helped capture other factors that may not have been anticipated at the outset. The NVivo program was selected because it was previously used in an on-going research project to identify and organize codes (Daoust-Filiatrault & Connell, 2014).

The level of agreement for each informant with Bullock’s statement was also coded (not asked directly) using seven categories: Strongly agree, agree, somewhat agree, neither agree nor disagree, somewhat disagree, disagree, and strongly disagree. Since most interviewees generally expressed some level of agreement with Bullock’s statement, it only became necessary after interviews were completed to develop a more refined assessment to analyse responses and their nuance, as summarized in Table 2. The criteria focused on whether the interviewee expressed verbal agreement or disagreement with Bullock’s statement, the extent to which they discussed

the ALC's focus on applications and its impact on long-range planning, and the number of conflicting or non-conflicting statements.

Table 2: Category criteria for level of agreement

level of agreement	Criteria
Strongly agree	Direct verbal agreement with no reservations. Discussed the ALC's focus on applications and noted its impact on long-range planning with no conflicting statements.
Agree	Verbal agreement with minor reservations. Discussed the impact of applications on long-range planning with some conflicting statements.
Somewhat agree	Verbal agreement with strong reservations. Discussed the impact of applications on long-range planning with numerous conflicting statements.
Neither agree nor disagree	No opinion. Did not comment on the application process and did not note its impact on long-range planning.
Somewhat disagree	Verbal disagreement with strong support. Discussed the ALC's focus on applications and noted its impact on long-range planning with numerous non-conflicting statements.
Disagree	Verbal disagreement with minor support. Discussed the ALC's focus on applications and noted its impact on long-range planning with some non-conflicting statements.
Strongly disagree	Direct verbal disagreement with no support. Discussed the ALC's focus on applications and noted its impact on long-range planning with no non-conflicting statements.

### 3.4.3 Ethics

Research projects involving human subjects at the University of Northern British Columbia must be reviewed and receive a Research Ethics Board approval before the study can be conducted. For this part of the study, a questionnaire was filled out describing different ethical aspects of the proposed interviews, such as how participants will be selected and contacted, how individual consent and confidentiality will be addressed, and how and for what length of time the data will be stored. In addition, a copy of the thesis proposal was submitted with this application. A complete application package for this thesis was submitted in April 2015. After minor changes to the application form and consent and information form, the project was approved by the

Research Ethics Board to proceed. All participants signed a consent form as required by the Research Ethics Board that included a description of the project and the nature of their involvement (see Appendix A).



## Chapter 4

### RESULTS

#### 4.1 Introduction

To evaluate Richard Bullock's statement that agricultural land use planning in BC has become too focused upon its application process and not enough on long-range planning, I examined two datasets: (1) ALC applications for the City of Kelowna and Okanagan Regional Panel (2006-2014); and (2) Kelowna Agricultural Advisory Committee (AAC) meeting minutes (2006-2014). I also conducted semi-structured interviews with nine planning professionals. ALC applications include information about trends in the quantity, decision outcomes, and types of applications forwarded to the ALC and their regional impact on farmland. Meeting minutes for Kelowna's AAC include information about the quantity, types, and decision outcomes for applications before they are sent to the ALC and decision consistency between the local and provincial level. Key informant interviews with planning professionals provide specific information about the application process and factors influencing the effectiveness of the ALC's application process for protecting farmland. As such, this section includes a summary of each data set and description of key interview results. Application trends in the City of Kelowna and Okanagan Regional Panel are presented first followed by the results of the Kelowna AAC meeting minutes to provide context for the interview results. Interview results are then presented according to leading categories extracted from the data. These results describe informants' general level of agreement with Bullock's statement, aspects of the ALC's long-range planning duties, benefits and constraints of the application process, the lack of clarity in the division of local and provincial powers, and the impact of political pressure on the application process.

As part of the key informant interviews, I met with Richard Bullock to discuss his statement about the excessive prominence of applications. This interview allowed me to learn more about his ideas and gain a better understanding of how the ALC has become driven by its application process. In addition to reaffirming that he believes the ALC spends “way too much” time processing applications, Bullock estimates that 80 to 85% of the ALC’s time is focused on applications and takes away from performing other duties. Bullock stated that the ALC’s emphasis on processing applications is not only diminishing local collaboration and long-range planning but is also threatening the integrity of ALR boundaries, reducing public confidence in the ALC’s ability to protect farmland, and violating the intent of the ALCA. As a result, Bullock’s interview responses enhanced the context within which I evaluated his statement that the ALC is too focused upon its application process and not enough on long-range planning.

Of the 17 people contacted, nine responded to the initial interview request. Seven of the nine interviews were conducted in-person between the 16<sup>th</sup> to the 21<sup>st</sup> of July, 2015 at various locations in Kelowna, Burnaby, and Abbotsford. Four took place at the informant’s place of work and three took place at the informants’ private residences. In addition, two interviews were outstanding after this time period and conducted over the phone between the 27<sup>th</sup> to the 28<sup>th</sup> of August, 2015. Two of the nine people interviewed chose to keep their name and professional title confidential and one chose not to be audio-recorded. Those who chose to keep their name and position confidential will be referred to using an assigned number and the personal pronoun “they” in the following sections.

#### 4.2 ALC Applications for the City of Kelowna (2006-2014)

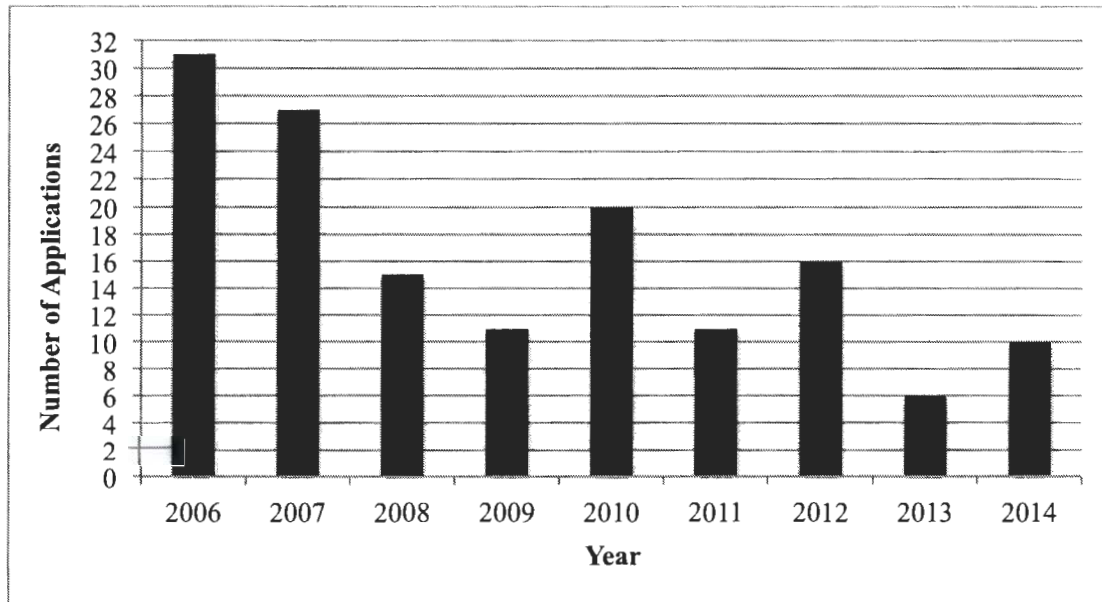
I reviewed two datasets: (1) individual applications from the City of Kelowna and (2) ALC Annual Reports with statistical information for applications from the whole Okanagan Regional

Panel. These datasets were used to identify trends in the quantity, decision outcomes, and types of applications forwarded to the ALC by the local and regional governments. Only applications from 2006 to 2014 were reviewed because they represent the most complete and publically available datasets on the ALC's website. I reviewed 147 individual applications submitted from the City of Kelowna from this timeframe. Of these applications, three were not used to evaluate application types and final decisions. These were omitted because one was a duplicate application rescinded by the applicant (application: 39039, 2010) and the two others did not have the correct application file attached to their entries (application: 50041 & 38902, 2009). In addition, only annual ALC reports from 2007-2014 were available for analysis. According to these reports, the Okanagan Regional Panel received 731 applications during this time frame.

#### 4.2.1 Number of applications

The total number of annual applications received from the City of Kelowna has gradually decreased between 2006 and 2014, as shown in Chart 1. The number of applications from Kelowna was reduced the most in 2013 with only six submitted for review. Rather than a consistent yearly decline, Chart 1 shows variation between years. For instance, applications almost doubled from 11 in 2009 to 20 in 2010. Applications also increased from 11 in 2011 to 16 in 2012.

Chart 1: Number of Applications from the City of Kelowna (2006-2014)



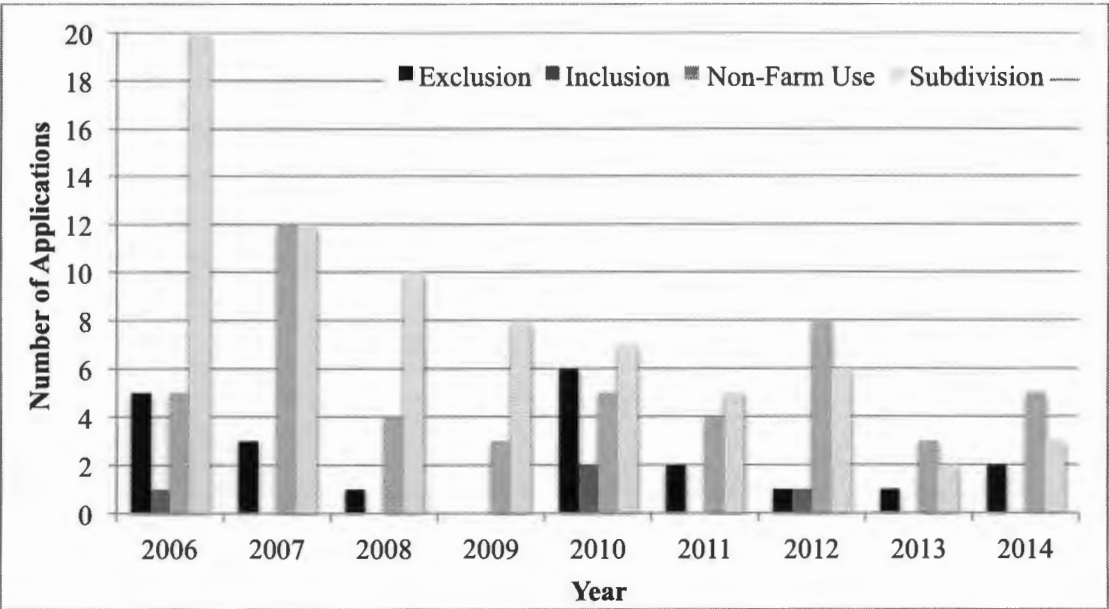
#### 4.2.2 Types of applications

I assessed the four leading ALC application types. These are: inclusions, exclusions, non-farm uses, and subdivisions (“Application Instructions,” 2014). Applications for “fill placement and/or soil removal” and “transportation, utility, and recreational trail uses” were counted as non-farm uses for the purposes of this study because ALC information did not consistently differentiate between these uses and did not represent a significant quantity of applications in Kelowna.

The types of applications submitted by the City of Kelowna varied since 2006. Chart 2 shows that the number of exclusion applications changed significantly since 2006 with an average of about two applications per year. In 2010, the city submitted six applications for exclusions, the largest number during the assessed time period. Only one application was submitted in 2013, 2012, and 2008. Requests for non-farm uses and subdivisions are the most frequent application type, despite a high rate of refusal (Chart 3). According to Chart 2, subdivision applications declined since 2006. There were 20 subdivision applications in 2006

and the total has generally declined with only three submitted in 2014. Non-farm use applications, on the other hand, have varied. For instance, there were only five applications submitted in 2006, 12 in 2007, and four in 2008. Applications for inclusions are the least frequent type of application with only four submitted during this timeframe.

Chart 2: Type of Applications from the City of Kelowna (2006-2015)



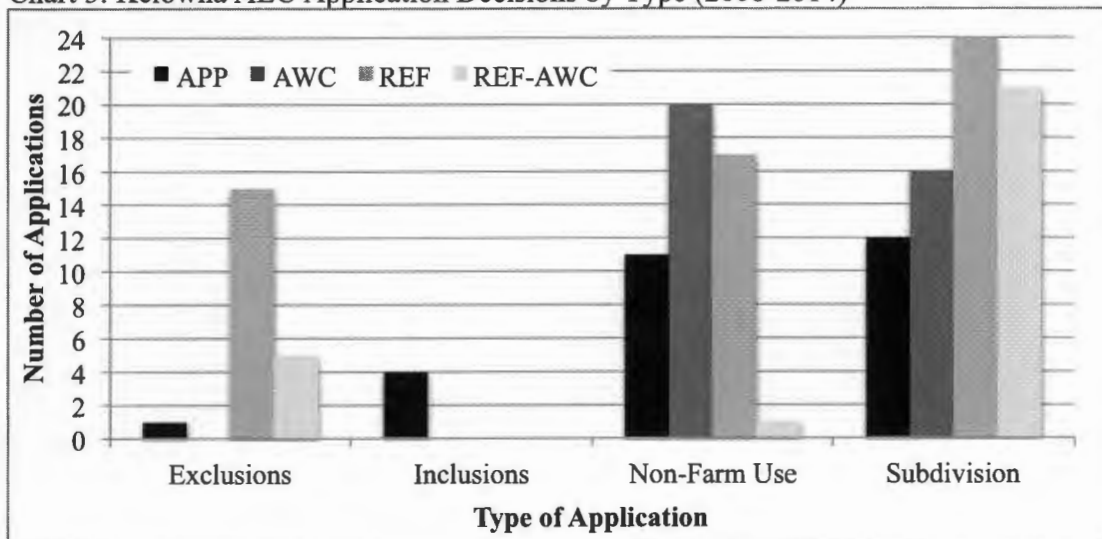
#### 4.2.3 Application decision outcomes

There are four application decision outcomes issued by the ALC. These decisions are: refused (REF), approved (APP), allowed with conditions (AWC), and refused but alternate proposal allowed with conditions (REF-AWC). The “refused but alternate proposal allowed with conditions” decision type was included in this study because it is a common and distinctive decision type. This decision type means a refused application may have received suggested amendments that could be approved following a reconsideration request or that a portion of the original request has been allowed. The majority of reconsideration requests and resubmitted

applications reviewed by the ALC are for applications that originally received a REF-AWC decision type.

Subdivisions account for approximately 50% of all applications during this time frame despite having the highest rate of refusal (Chart 3). Of the 73 subdivision applications submitted, 24 were fully refused and 21 were refused with alternate proposals allowed with conditions. Similarly, exclusion applications were frequently refused but received five alternate proposals with conditions during the assessed timeframe. In contrast, all inclusions from 2006-2014 were approved. There are proportionately more approvals for non-farm use applications than any other application type despite 17 full refusals. Specifically, 11 non-farm use applications have been fully approved and 20 allowed with conditions during this time frame.

Chart 3: Kelowna ALC Application Decisions by Type (2006-2014)

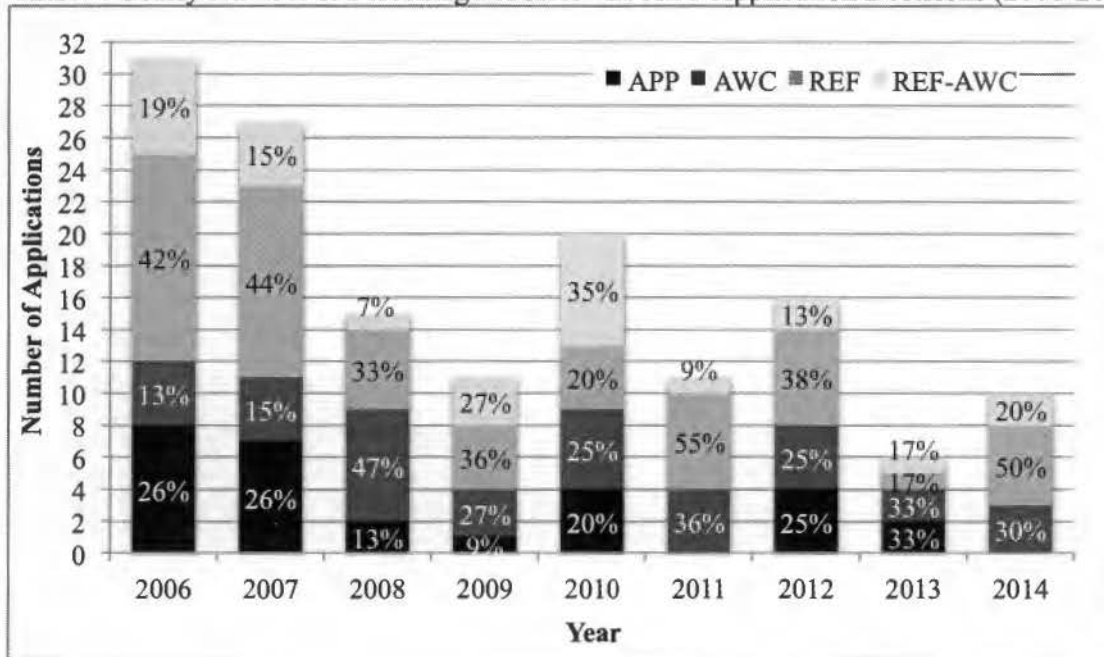


**APP** = Approved. **AWC** = Approved with conditions. **REF** = Refused. **REF-AWC** = Refused but alternate proposal allowed with conditions.

Though there has been a reduction in the total amount of applications, refusal decisions are still the most common type of decision (Chart 4). According to Chart 4, the highest percentage of decision outcomes in 2006, 2007, 2009, 2011, 2012, and 2014 were refusals. Since 2006, 56% of

all applications submitted from the City of Kelowna have been fully or partially refused by the ALC. Of these applications, 18% have been amended and allowed an alternate proposal with conditions, indicating that applicants generally have a low chance of receiving a full or partial approval from the ALC. This is particularly evident in Chart 3 above for exclusion applications where 95% of all those submitted receive full or partial refusal. In addition, 62% of all subdivision and 37% of all non-farm use applications have also been refused. Only inclusions have been unconditionally approved for Kelowna since 2006.

Chart 4: Yearly Number & Percentage of Kelowna ALC Application Decisions (2006-2014)



**APP** = Approved. **AWC** = Approved with conditions. **REF** = Refused. **REF-AWC** = Refused but alternate proposal allowed with conditions.

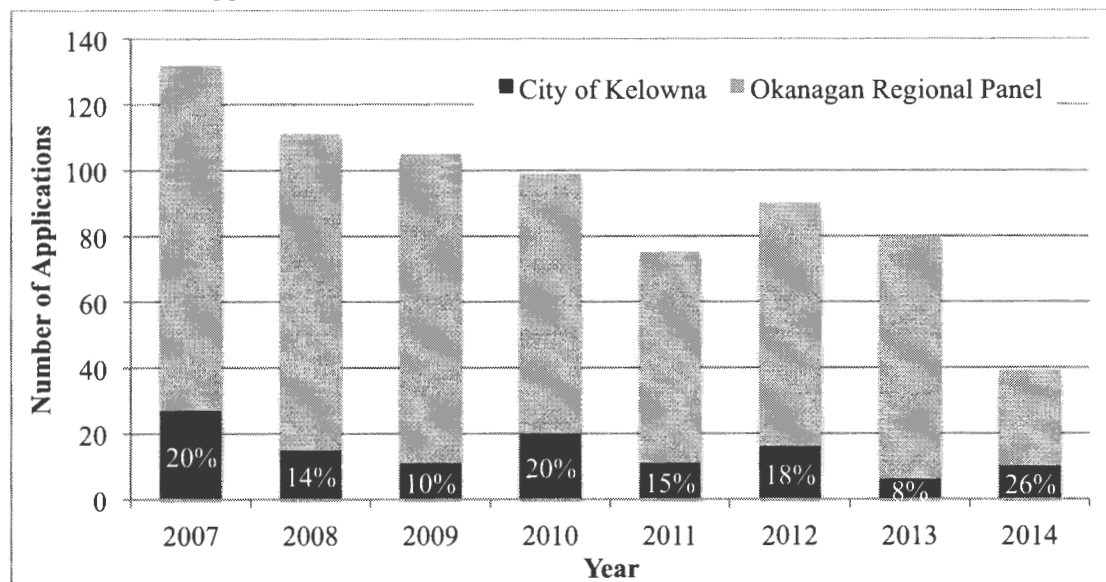
#### 4.2.4 Okanagan Regional Panel applications (2007-2014)

To gain a regional perspective of how applications have affected the Okanagan Regional Panel, I compiled data from the ALC annual reports concerning the quantity of applications submitted from the panel during this time frame. Chart 5 indicates that the Okanagan Regional Panel experienced a general reduction in applications from 2007 to 2014. Application data for the



Okanagan Regional Panel in 2006 were not available because there was no annual report completed by the ALC that year. According to Chart 5, Kelowna accounts for 16% of all applications submitted during this time frame. The Okanagan Regional Panel experienced the most significant reduction in applications in 2014 with only 39 submitted compared to 80 submitted in 2013. In 2014, however, Kelowna accounted for 26% of the total applications submitted from the Okanagan Regional Panel, which is its largest yearly proportional contribution during this timeframe.

Chart 5: Total Applications from the Okanagan and the City of Kelowna (2006-2014)

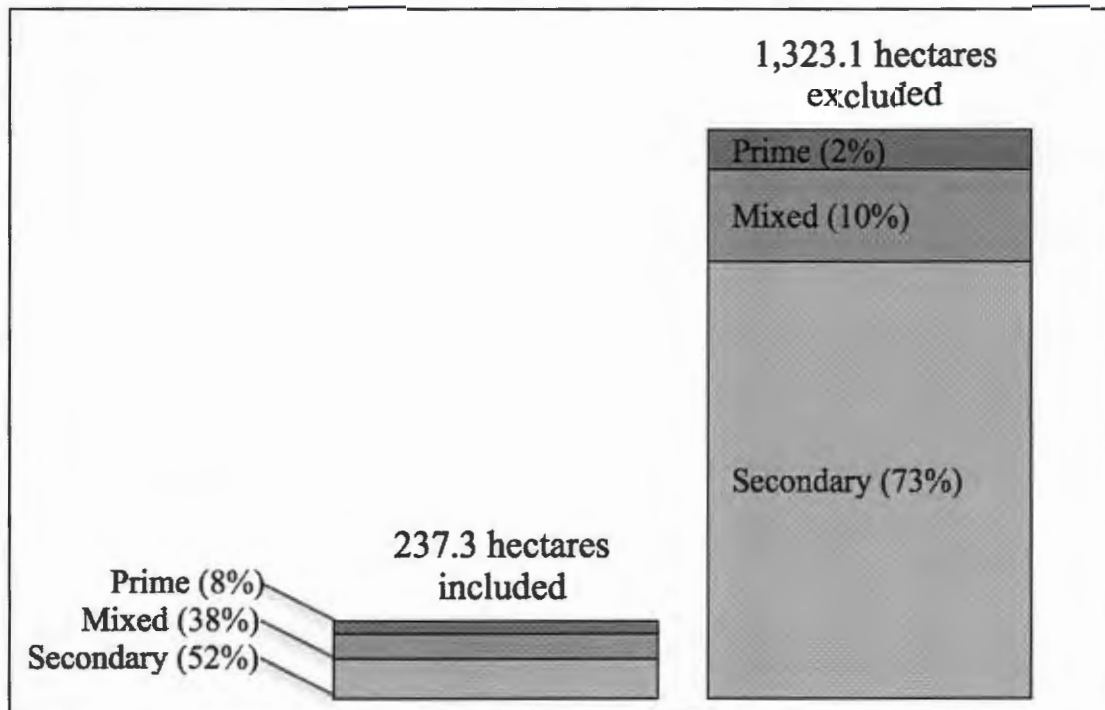


ALC annual reports also listed the type of ALR land excluded and included from 2007 to 2014 for the Okanagan Regional Panel. Although the City of Kelowna received only one approval for an exclusion application during this time frame, the Okanagan Regional Panel as a whole excluded approximately 1,323.1 ha from the ALR and included 237.3 ha (Chart 6). Accordingly, the Okanagan Regional Panel has experienced a net loss of 1,085.8 ha of farmland. Although the annual reports indicate a decline in the total number of applications received (Chart



5), land totals for exclusions and inclusions in the Okanagan Regional Panel reveal that ALR boundaries continue to shift. Of the acres excluded, however, only 2% is considered prime land, 10% mixed land, and 73% secondary land. According to the ALC annual reports, prime land is classified as the most arable type of land available for farming, followed by mixed land, and secondary land.

Chart 6: Hectares of ALR Land Included & Excluded from the Okanagan (2007-2014)



#### 4.3 Kelowna AAC Meeting Minutes (2006-2014)

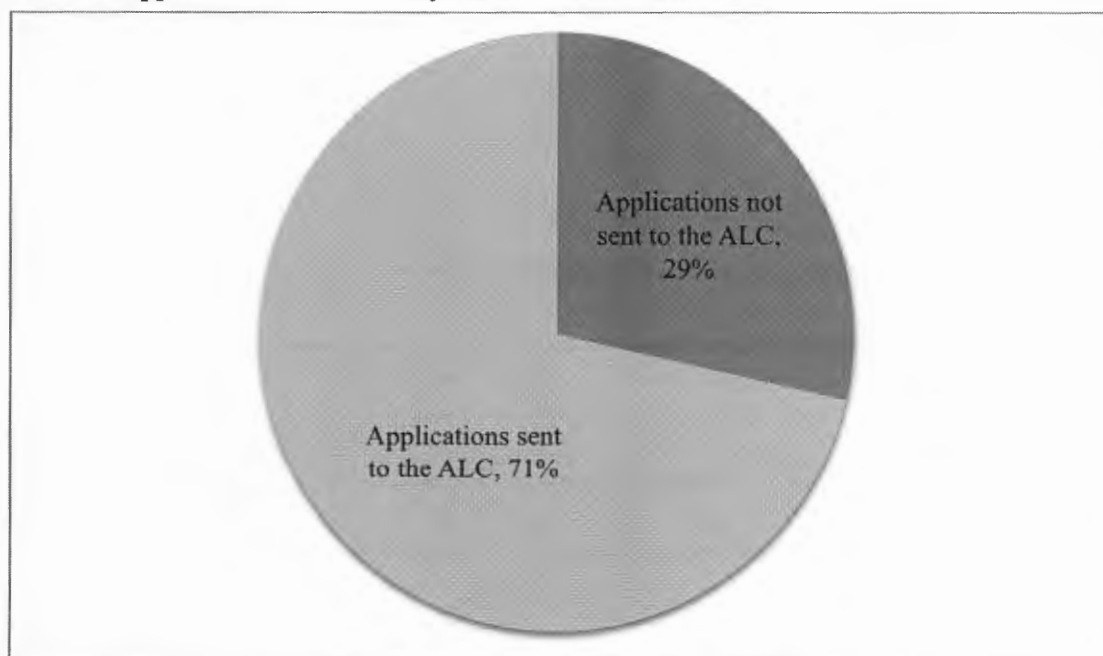
Analysis of data from meeting minutes for Kelowna's AAC consisted of reviewing resolutions from city archives and crosschecking decision results with listed ALC application data (2006-2014). These documents were used to examine the quantity, types, and decision outcomes for applications before they are sent to the ALC. The documents were also used to gain insight on decision consistency between the AAC and ALC. A total of 70 documents were reviewed for application decisions and crosschecked against ALC archives. As discussed in the previous

section, however, it is possible that some applications in this dataset may take more than one year from the initial review by the AAC before reaching the ALC. In addition, there are fewer applications reviewed by the AAC (105) than the total amount applications the ALC received from Kelowna (147) because of frequent requests for reconsideration.

Kelowna's AAC reviews applications to assess whether land use requests provide a net benefit to agriculture. The AAC votes on a recommendation of support or non-support for each application before they are forwarded to the local council. Kelowna's AAC reviewed 105 applications from 2006 to 2014. AAC meetings reviewed between 3 to 5 applications per monthly meeting. Of all applications reviewed by Kelowna's AAC, 75 were sent to the local city council and then forwarded to the ALC. About 30 were not forwarded to the ALC after having passed through the AAC (Chart 7). Since the local city council rarely refuses to forward applications to the ALC, it was assumed that some applicants might choose to not forward their application to the ALC after receiving a recommendation from the local AAC.

As noted above, the totals presented in Chart 7 are approximate because in some instances applications may take more than one year from initial review from the AAC before reaching the ALC.

Chart 7: Applications Reviewed by Kelowna AAC and ALC



AAC recommendations and ALC application decisions were evaluated for consistency in decision-making. As shown in Table 3, 63% (21% APP + 42% AWC) of applications that received an AAC recommendation of support were approved or allowed with conditions by the ALC. Of those, only 21% were fully approved without conditions. For applications that were not supported by the AAC, 88% of all applications were also refused by the ALC; about 12% (6% APP + 6% AWC) were either approved or allowed with conditions. Thus, there is more consistency between AAC recommendations of non-support for applications and final ALC decisions (88%) than those applications with an AAC recommendation of support (63%; see also Table 3).

Table 3: Kelowna Applications Decisions for Requests Sent to the ALC

Kelowna AAC decisions	ALC decisions (% of all applications)			
	APP	AWC	REF	REF-AWC
Supported	21	42	21	16
Not Supported	6	6	88	0

#### 4.4 Key Informant Interviews

In order to better understand the impact of the application process on the ALC's ability to do more long-range planning, interviews were conducted with professionals who have first-hand experience with the ALC's application process. Interviews were conducted with local planners from the City of Kelowna, Kelowna Agricultural Advisory Committees (AAC) members, regional agrologists, current and former ALC staff, and private land consultants in the Kelowna, as summarized in Table 4, below.

Interviews focused on the prominence of the application process; reasons why the application process may be time-consuming, and the potential benefits of dedicating more time to long-range planning. Of the 17 people contacted, I completed nine semi-structured interviews. Two of the nine people chose to keep their name and professional title confidential and one chose not to be audio-recorded. Those who chose to keep their name and position confidential will be referred to using an assigned number and the personal pronoun "they" in the following sections.

Overall, the interviewees' responses provided local, regional, and provincial perspectives of the agricultural land use planning frameworks with a focus on the ALC application process. Interview data were analysed inductively and compiled using a computer program. Codes were grouped based on dominant themes. The results are presented under the following six themes: informants' level of agreement with Bullock's statement; aspects of the ALC's long-range planning duties; benefits of the application process; constraints of the application process; the lack of clarity between provincial and local division of powers; and the impact of political pressure. These themes provide a basis with which to compare Bullock's responses to those of the other interviewees.

#### 4.4.1 Level of agreement with Bullock's statement

Throughout each interview, key informants were asked the extent with which they agreed or disagreed with Richard Bullock's statement that too much time is spent on applications and not enough time is spent on long-range planning. The level of agreement for each informant was then itemized using seven categories: Strongly agree, agree, somewhat agree, neither agree nor disagree, somewhat disagree, disagree, and strongly disagree (see Table 2 above).

Overall, there was general agreement with Bullock's statement (Table 4). Three interviewees strongly agreed, three agreed, one somewhat agreed, and one neither agreed nor disagreed with Richard Bullock's statement. No informants were found to disagree, somewhat disagree, or strongly disagree with Bullock's statement. Table 4 below also outlines interviewees' professional position and geopolitical scope. The level of agreement is only loosely associated with informants' geopolitical perspective, whether local, regional, or provincial: informants with a local scope of experiences either strongly agreed or agreed; those with a provincial-regional scope agreed or somewhat agreed; while those with a provincial scope strongly agreed, agreed, or neither agreed nor disagreed. Interviewees with a provincial geopolitical perspective had greatest variation in their level of agreement with Bullock's statement.

Table 4: Interviewee Names, Positions, Scope of Experience, & Level of Agreement

#	Name	Professional position	Scope	Level of agreement
1	Richard Bullock	Former Chair of the Agricultural Land Commission	Provincial	--
2	Joan Sawicki	Founding ALC staff (under contract), land use consultant, former MLA, Speaker of the BC Legislative Assembly, and Minister of Environment, Lands, and Parks.	Provincial	Strongly agree

3	Arthur Green	Former City of Kelowna AAC Member	Local	Strongly agree
4	Ed Grifone	CTQ Consultant in the City of Kelowna	Local	Strongly agree
5	Carl Withler	Former Regional Agrologist for the Okanagan, BC Ministry of Agriculture	Provincial/Regional	Agree
6	---	---	Provincial	Agree
7	Melanie Steppuhn	Land Use Planner for the City of Kelowna	Local	Agree
8	Martin Collins	Agricultural Land Commission Regional Planner for the Okanagan, Interior and Northeast panels	Provincial/Regional	Somewhat agree
9	---	--	Provincial	Neither agree nor disagree

#### 4.4.1.1 Strong agreement

Sawicki, Green, and Grifone demonstrated strong agreement with Bullock's statement. Their responses were categorized as such because all three established verbal agreement, discussed the ALC's focus on applications, and noted its impact on long-range planning. Sawicki stated: "I've read all of former Chair Richard Bullock's reports and I think he's right on." She stated that she has "no doubt that Bullock's reports accurately reflect that the ALC has become a warehouse for processing applications, non-stop." Sawicki's discussion of Bullock's statement focused on how the original intent of the ALC's application process "got derailed and the applications escalated." She stated, "in addition to the [changes in] provincial messages, there are local government planning factors that enter into the application question as well." According to Sawicki, the application process was meant to facilitate the ALC's role in promoting long-range planning rather than become the focus of the organisation:

The role of ALR applications was to be a pressure release, to try to deal with areas where our mapping perhaps wasn't detailed enough, where there were other legitimate

considerations around community planning, or where there were specific situations of the landowner. It was always supposed to be a ‘temporary’ management tool with the hope—the dream, the intent, and the objective—of eventually integrating the ALR, with its priority clout in favour of agriculture, into the whole mind-set of good local land use planning.

Similarly, Green stated, “I think that within the law and the interpretation of the law there is, like Bullock said, an ability for the ALC to do more.” Specifically, they “could do a lot more in terms of forward thinking land use planning, collaborating with communities, municipalities, and regional districts across the province.” Like Sawicki, he also strongly agreed that “the interpretation of the law directly confronts another interpretation where the ALC functions as an application processing service.” In response to whether the application process limits long-range planning, he stated, “yes, the focus on applications takes away from doing other things we can do but I think at the AAC level its not an issue of time, it’s an issue of politics.”

Grifone also expressed strong agreement with Bullock’s statement. His discussion focused on the need for a comprehensive planning approach. Grifone believed that long-range planning and thinking must address the politics and planning policies at the local level so they are not debated at every application. Doing so, he stated, could allow the ALC to look at pure planning policies, technical information, and agricultural information rather than be influenced by the politics of the situation and community.

#### 4.4.1.2 Agreement

Withler, Informant 6, and Steppuhn demonstrated general agreement with Bullock’s statements. Their responses were categorized as such because all three established verbal agreement with minor reservations and discussed the impact of applications on long-range planning to a limited extent. Withler, for instance, stated: “I think maybe Richard [Bullock] was rounding the corner



on this thing a little bit and slowing the application process so they could get out and do some forward planning. I don't know for sure but I really think that he had the right mind-set for it and was sending the right messages." Like Bullock, he believes that not enough emphasis has been placed on long-range planning but differs on whether the application process should also be limited:

I don't know if the role of applications should be minimized but I do think its possible. I said this earlier but I do think [Bullock] was on the right track [...] trying to get ALC staff out and forward thinking, forward planning, rather than reacting to every application. I think that is possible.

Withler stated that the ALC is "really slender on staff and they don't do a lot of forward planning because they're barely grinding out the application process." He agreed that due to the ALC's existing structure, "easiest things to pare off are the things that are extracurricular and that's going out and trying to forward plan."

Informant 6 agreed with Bullock as reflected in the following statements: "we are still seeing too many applications"; and "it's not really a good situation to be in with the ALR." In terms of long-range planning, they stated that "it would make more sense to do those types of things" but that it is "really hard to do it piece-meal" through the existing application process. They stated, however, that: "there's probably only a bit of adjustment here and there that would need to be made. I'm not really sure that there's that much more that the ALC can really do." Although Informant 6's responses indicated they agree with Bullock that there is too much focus on the application process, they also believe that "keeping the ALR farmable" might be a greater priority for the ALC than long-range planning.

Steppuhn generally agreed with Bullock that there is not enough focus on long-range planning but acknowledged that her perspective is limited to the local level and his statement



“may be a consideration for the big picture.” Steppuhn focused her discussion on the need to reduce applications at the local level:

I’m sure there’s other ways to do long-term policy that would better protect farmland but I think that if [the ALC] could take a look at the application process and either streamline it, make it more direct, or make it more rigorous. Then it would be difficult for someone who was clearly not even close to complying or wasn’t able to demonstrate a benefit to farming to apply.

In response to Bullock’s statement she discussed how processing applications impacts her long-range planning duties because “it’s local government planners who are on the front end communicating [application guidelines] to people.” She stated that local governments need more support to fulfil long-range planning duties because the application process at the local level is highly time consuming:

So essentially the long-range planning, in terms of the agricultural policy [part of] my job—if I had help on that end I could free up a lot of time to long-range policy things that would make a difference over time. It’s a huge enormous draw on my time and it absolutely takes away from the important work of doing policy work that will make differences in the long-term.

While Steppuhn did not explicitly comment on whether the ALC is too focused on the application process, she agreed with Bullock’s statement that the time spent processing applications deters from fulfilling other planning priorities.

#### 4.4.1.3 Somewhat agreement

Collins is the only informant who demonstrated only somewhat agreement with Bullock’s statement. He is also the only current ALC employee I was able to interview. His response was categorised as such because he established verbal agreement with strong reservations and questioned the assumption that the application process is limiting long-range planning.

Collins discussed Bullock's comments from a broader perspective and provided a more long-term understanding of the ALC's current structure and duties. He believes that over time the ALC has been relatively successful in reducing the amount of applications through legislative changes and currently achieves long-range planning duties:

I think [Bullock] had a valid point about how we were only set up to respond to applications. But his comments don't consider the larger context, that since the 1994 introduction of the planning sections (46) of the ALCA the applications have declined.

Section 46 of the ALCA states, "A local government in respect of its bylaws and a first nation government in respect of its laws must ensure consistency with this Act, the regulations and the orders of the commission" (*Agricultural Land Commission Act*, 2002, c 36). It stipulates that local governments "must" ensure compliance with ALR regulations. Collins stated that during Bullock's tenure as ALC chair the applications did decline "partly because of organizational changes, but also partly because of the clearly articulated desire that they do so." He stated application trends are dependent on a variety of factors: "It is about leadership, it's about the administrative structure, it's about resources, it's about the cost of an application and the time it takes to review and render a decision." Collins discussed how that historic legislative changes have been effective in reducing applications but that the application process is a key purpose of the ALC:

If the ALC guaranteed an applicant a 30-day decision turn around, and an application was free, then the ALC would receive a thousand applications. So over the decades the effort gone into racking down the applications through legislative changes, fees, changes to the act and regulations, and changes to how were structured as an organisation. I believe the changes have been effective in reducing the number of applications, but were never intended to eliminate them altogether.

With regards to long-range planning, Collins also revealed that the ALC is limited in its potential to engage with local governments. He stated that even though the amount of applications has been reduced over time, the application process is not what limits the ALC's long-range planning abilities. Rather, he discussed the way the ALCA is written and how "the ALC can only declare bylaws as inconsistent" and how "the Act states that: 'the local government shall ensure.' It doesn't say that the ALC [is] supposed to ensure." In addition to citing the 1994 amendment as significantly reducing the amount of applications sent for review, he also stated that these changes improved planning processes. Specifically, the amendments gave a great role to local governments in processing applications, developed the ALC's administrative process, and extended its mandate to include a greater focus on local land-use planning:

Since the 1994 planning amendments to the ALCA, we still spend the majority of the ALC's time on application, but there are much fewer applications because of the up front planning work that has been achieved since 1994.

Collins, therefore, only somewhat agreed with Bullock in that the application process is the focus of ALC duties but stated, "to say that the ALC spends too much time doing applications is incorrect, because application review and decision(s) are the purpose of the organization." To Collins, the application process is the primary barrier to long-range planning due to the way the provincial legislation is written (discussed below).

#### 4.4.2 ALC's Long-Range Planning Duties

Informants were asked to discuss how they understand long-range planning for agriculture in BC and revealed two aspects of the ALC's duties: (1) the ALC's role in reviewing local planning documents and; (2) the ALC's role in educating local government staff. Informants, however, also expressed uncertainty about what constitutes the ALC's long-range planning duties.

#### 4.4.2.1 Reviewing local planning documents

Six of the nine interviewees discussed the ALC's planning duties and their influence at the local level. Bullock, Sawicki, Withler, Informant 6, Collins, and Informant 9 discussed to varying extents how long-range planning refers to the ALC's review of local planning documents and the integration of ALC regulations in Official Community Plans (OCP) and Regional Growth Strategies (RGS).

Bullock discussed how one of the ALC's main long-range planning duties is to review local planning documents. He stated, "[ALC] staff work with the [local] planners during the development of OCPs" because "everything has to be approved." To achieve this balance, Bullock noted that ALC planners must work "very closely" and have a "very good working relationship" with local planning staff. Reviewing local documents allows ALC staff to be aware of agricultural issues in a region and anticipate what "the city is thinking [...] way down the road." He also acknowledged that long-range planning duties require the ALC to "sign off on the agricultural portions of the OCPs [because] quite often an OCP will be put in place and we'll make a notation that such and such are not agreeable to the ALC."

Like Bullock, Sawicki stated that ALC's long-range planning duties are to "assist local governments to adjust their planning to both meet local needs and respect the long-term ALR perspective." She also discussed the original intent of the ALC and how a "big part of [the ALC's] efforts early on [was] to help local governments bring their bylaws into compliance with the provincial legislation to protect farmland." To Sawicki, a key aspect of the ALC's long-range planning duties is to facilitate the adoption of the ALCA within their local planning processes:

The general guideline was to allow local governments about five years worth of growth, which would give them time to review their planning processes and their Official Community and Regional Plans to begin to move development potential away from the

ALR. That was the intent so they had a bit of grace there. In that period, the Land Commission was very receptive to saying; ‘We know this isn’t going to be easy because your zoning doesn’t reflect this new provincial priority to protect farmland. Therefore, we’ll work with you on these boundary reviews.’

Sawicki further stated that the ALC review process was the starting point for local governments to take advantage of the legislation and engage in long-range planning on their own. Through the ALCA, “the most thoughtful local governments who believed in their own planning and wanted to support their agricultural sector could use the ALC to help maintain their rural areas.” Sawicki stated one of the main goals of the ALC was to guide local governments towards acknowledging the ALCA and independently including long-term agricultural land use during planning document reviews:

The difference was that the ALR, based on ‘science’ not politics, was intended as a fairly permanent zone. In one way, local governments could say; ‘Yes, we recognise this tool and it is something we use all the time’ but, in another way, they had to put on a different colour lens and say; ‘But this is a long-range tool. While there’s some room for give and take, the criteria here is not an increased tax base or developer pressure, it is: ‘is this land capable of growing food?’

Withler stated that long-range planning “takes a fair amount of energy and connection” and that it is “a great opportunity for the ALC to step in and really forward plan and to know what’s going on at the local level.” When asked about the ALC’s definition of long-range planning, he referred to their collaboration in developing specific planning documents at the local level: “[The ALC], I think, very clearly sees Regional Growth Strategies and Official Community Plans as longer range planning documents and then all of the applications and bylaw development as shorter range planning documents.” While these statements are consistent with Bullock’s response, he also added that his experience with the ALC’s review of local planning documents is limited because there is no official partnership between the ALC and Ministry of Agriculture

for reviewing local planning documents. He stated that the ALC and Ministry of Agriculture have collaborated in providing comments when local planning documents are reviewed but that it was not a formal process:

We had a hit and miss relationship where once in a while we would get [the ALC's] comments on OCPs and once in a while I would share my land use comments with [the ALC] but we didn't have a formal process on how that would happen.

Informant 6 stated that “for local governments that are willing to work with them, [the ALC] can be right in there and guide the [...review...] process and make sure agriculture and farmland protection is being taken into consideration.” They acknowledged that reviewing local planning documents is an aspect of the ALC's long-range planning duties and important means of ensuring the availability of agricultural land. Informant 6's use of the term “willing,” however, presents a contrast to Bullock's response that “everything must be approved.” They suggested that local government “willingness” to send their documents for review and implement recommendations may be a factor in the ALC's ability to fulfil long-range planning duties.

Collins discussed how the ALC's long-range planning duties refer to verifying consistency between the ALCA and local planning documents. When there is inconsistency, “[he] would work with local government and suggest amendments” because “the ALC reviews all bylaws.” He stated that local “bylaws range from the future, ‘looking-forward’ OCPs to zoning bylaws, which outline current land use rights for subdivision and use” and that “when the [ALC] Act references ‘bylaws’ it doesn't mean one or the other.” According to Collins, “all bylaws must be consistent with the [ALC] Act” and the ALC “offer[s] the service of reviewing and determining consistency because there can be some ambiguity about bylaws.” Collin's comments are also consistent with Bullock's response in stating that the ALC's role in long-

range planning, therefore, is to “adjudicate” differences between local planning documents and provincial legislation.

Informant 9 further confirms Bullock’s response by discussing how local governments are even mandated under Section 477 of the LGA to send their bylaws to the ALC for review. They stated, “if the OCPs have ALR land in their jurisdiction they have to send it to the ALC for review.” Doing so allows the ALC to comment on planning documents and communicate the importance of considering agricultural interests and farmland in the long-term.

Sawicki, Withler, Informant 6, Collins, and Informant 9’s comments were generally consistent with Bullock’s response. All agreed that ALC’s long-range planning duties include reviewing local planning documents as to integrate ALC regulations in OCPs and RGSs. In particular, Sawicki, Collins, and Informant 9 confirmed Bullock’s statements by discussed the ALC’s long-range planning duties from a historical and legislative context. Only Informant 6 presented a conflicting statement highlighting that local government “willingness” to send their documents to the ALC for review may play a role in reducing the ALC’s ability to fulfil long-range planning duties.

#### 4.4.2.2 Educating local planning staff

Five of the nine interviewees stated that educating local planning staff about the ALCA and ALR boundaries is an important aspect of long-range planning. Bullock, Withler, Informant 6, Steppuhn, and Collins discussed how planning workshops and communication between levels of government beyond the application process helps mitigate the impact of local staff turnover and ensure long-term farmland protection at the municipal level.

Bullock stated that educating local planning staff about the ALCA “should be [...the ALC’s...] primary role [...because...] getting everyone to understand that ALR is important.” He

believes that ensuring long-range planning for agriculture means the ALC will need to constantly educate local planning staff due to a high turnover rate of municipal council and employees:

That's what our staff's job is: to help local government understand the [ALC] Act. That to me is the primary purpose, and that's why I was hoping to move away from the applications and get people understanding what was going on. [...] There is a lot of municipal staff moving all around the province and that's just normal so that process is a constant one. I know there was a feeling sometimes that 'here it is again' but they're different people and they don't understand and need to be educated all over again. Our job is a constant education process and not only with staff but also with council turn over.

Bullock further emphasized that “mov[ing] away from the applications” would help reinforce the ALC's focus on long-range planning, particularly the Commission's role in educating local governments about the ALCA. According to his response, there is a link between the time the ALC spends on the application process and the time spent educating local government staff. Softening the transition of new council members and staff, therefore, means the ALC needs to place less focus on the application process.

Withler stated that a means for the ALC to promote long-range planning for agriculture is to “[...] meet with every planner you can get your hands on and to brainwash them [...] that planning for agriculture is good.” He used the term “brainwashing” in a positive light to convey the importance of meetings between ALC staff and local planners to discuss the ALCA. Like Bullock, he noted that local staff and council members need to be educated about the ALCA and that frequent, in-person meetings with the ALC are needed. Withler suggested that ALC planners and staff “get in their cars as fast as possible and get into what is now Zone 1” so they can “reintroduce [themselves] into the neighbourhood.” Doing so, would allow the ALC to ensure a constant education role while understanding the agricultural situation at the local level.



Informant 6 also discussed how past planner workshops have helped educate local staff and ALC on issues with farmland and develop solutions to plan for agriculture in the long-term. In line with Bullock's response, they note that workshops with the ALC have also helped new councils understand the importance of planning for agriculture:

That seemed to be very valuable for the planners to be able to share information back and forth about what they were doing for the community. It was a good way to develop support and understanding amongst the planners for agriculture and it just brings so much more awareness to the different types of issues to council.

Steppuhn further agreed that communication between ALC staff and local planners has helped local planners better understand the ALR and provincial legislation: "they are very responsive, quick to respond, and helpful in interpreting any questions we might have." According to Steppuhn, access to ALC staff for planning support is an important resource to help municipalities interpret regulations and long-range plan.

Collins stated that reaching out to municipalities to discuss the ALCA might improve the ALC's long-range planning abilities: "By continuing to focus on planning, the ALC might proactively approach communities and encourage them to devote resources to craft agriculture plans, and programs that are supportive of agriculture." He stated that "Bullock's 2010 report was being proactive in the sense of sending out staff to speak with politicians and local government staff." According to Collins, Bullock was "getting ahead of the game and providing educational opportunities in front of planning and applications." More educational opportunities could even curb the amount of pressure on ALR land and help promote local long-range farmland protection: "I think that communities wouldn't be fighting against developers and speculators [and] trying to keep them off the ALR if we could focus our political attention to bring energy and resources into the agriculture sector."

Collins added, however, that the ALC does not currently have the resources in place to pursue an educational role because it should include convincing municipal governments that agriculture has a “bright economic future.” He discussed how increasing the ALC’s role in educating local government staff about planning “might entail us having a different mix of staff” due to the current “focus on applications.” His discussion links educating local staff about the ALCA to “encouraging agriculture as a realistic and rewarding business opportunity” and believes that if the ALC is “to be more focused on encouraging agriculture [they] may have to hire people who are agricultural experts.”

Withler, Informant 6, Steppuhn, and Collins were generally consistent with Bullock’s response. All agreed that educating local planning staff and council about the ALCA helps new staff and council understand the importance of long-range planning for agriculture. In particular, Withler called for greater communication between the ALC and local governments beyond the application process to help planners and the ALC to better understand their respective planning needs. Collins also discussed the potential benefits of an educational role to fulfil long-range planning duties but presented a slightly different perspective. Adding to Bullock’s response, Collins stated that educating local governments about agriculture as an economic driver should also be included to help local governments value the protection of agricultural lands.

#### 4.4.2.3 Uncertainty about the ALC’s long-range planning duties

Although informants generally agreed with Bullock and spoke in favour of more long-range planning, three of the nine informants expressed uncertainty about how the ALC engages with local governments to promote long-range planning for agriculture. Withler, Informant 6, and Steppuhn, expressed doubts when defining the ALC’s long-range planning duties.

Withler stated that long-range planning documents refer to OCPs and RGSs but discussed doubts about his answer: “But that’s just discussion with [Collins], I don’t have any evidence.” Withler’s lack of “evidence” refers to the ALC’s formal definition of long-range planning and whether it associates long-range planning duties with reviewing OCP and RGS documents.

Informant 6 was also unclear about the ALC’s definition of long-range planning: “I don’t really know how they view it. Typically for local governments it’s the 20-year timeframe. I’ve never really talked to the ALC about what they consider to be long-range or short range.”

Steppuhn further stated that “joint planning is always beneficial” but that it would be “onerous to do it on a municipality-to-municipality level because there’s just so many in the province and it would be so challenging for them to get that kind of attention.” She believes that long-range planning “through Regional Growth Strategies might be the way to do it” instead. Steppuhn expressed some uncertainty with how the ALC currently fulfils long-range planning initiatives and stated that the most beneficial ways for the ALC to fulfil long-range-planning duties would be to advocate for farming at the provincial level: “In terms of long-range planning, I think just supporting the farmers and supporting initiatives to help farming in general at the provincial level whether that be financial or otherwise.”

Although all three interviewees’ responses were mostly comparable to Bullock’s discussion of the ALC’s long-range planning duties, their responses also indicated some uncertainty about how the ALC fulfils that role. This uncertainty is related to a lack of clarity in how the ALC defines long-range planning, which planning documents are involved, and the types of initiatives that should be implemented.

#### 4.4.3 Benefits of the Application Process

The analysis of the interview data revealed two overarching benefits of the ALC's application process: (1) the application process enables more rigorous decision making at different stages of the process and across jurisdictions; and (2) the application process fills the need for flexibility within the legislative framework.

##### 4.4.3.1 Rigorous decision making

Three of the nine interviewees stated that a benefit of the application process is its ability to ensure a more rigorous decision making process. The term "rigorous decision making" is used to discuss several dimensions of the application process: the application process' ability to provide time for reflection, encourage cooperation between different levels of government, and relieve local governments of excess political pressure. Bullock, Sawicki, and Withler discussed how the application process is a comprehensive referral procedure that encourages thorough group decision-making.

Bullock discussed how a beneficial aspect of the application process is that it enables cooperation between different levels of government. When asked about how the communication among different levels of government helps facilitate application decisions, he stated, "the more information you've got: where does it add up, where doesn't it add up [...is important...]. Sometimes council are for it and the AAC isn't—now the flags go up, 'what [are] the issues', so then you send the staff back to talk to staff." Bullock suggested that communication between staff at different levels of government provides context and a comprehensive review of issues to help the ALC formulate well researched and consistent land use decisions based in the legislation.

Bullock further stated that the application process helps improve decisions by relieving local governments of excess political pressure. He stated that the application process provides an outlet for local governments to pass on applications to the ALC when they are unable to make decisions without public or political backlash:

When other levels of government can't make decisions the positive side is that they come to us and we look at it through the lens of our legislation and a lot of municipal governments and regional government do look to us for that balance. When they've got issues around boundaries they can't resolve it comes to us and the politics is taken out of it and agriculture is the prime reason we look at that land and what its good for in the long-term.

Likewise, Sawicki noted that the application process is an effective means of maintaining rigorous decision-making when faced with local political pressure:

Many local government who got the intent came to see the ALR as a great help because, all of a sudden, they could blame someone else when they wanted to say 'No', even for their own planning reasons, such as not wanting to incur additional local servicing costs. They could say; 'Look, we don't make this decision. It's the ALC's jurisdiction; you'll have to go there. [...] All of a sudden, they didn't have to deal with development pressures within the ALR.

Withler specifically discussed how the application process provides time for reflection and encourages cooperation between different levels of government. He stated that it encourages a "sober second thought" for all land use decisions. For him, the application process "[...] makes us think as a group. It isn't just one person sitting at a desk rubber-stamping applications. It's not someone sitting on a silver cloud. It's a great referral process." Like Bullock, he noted that communication, discussion, and group decision-making among different levels of government allow for a more comprehensive review of land use planning decisions and a greater chance of

minimizing inconsistencies or poor land use decisions. When discussing whether the application process helps protect farmland, Withler stated:

You hit on something that I believe to be pretty true. And that is that there is an application process. You have to apply. So if you are doing [an activity] that's not a permitted use in the ALR—[that] is not recognized as beneficial to farming in some way—you have to apply. And that gives us a sober second thought to look at this application: Is this really what we want to do with what we consider to be a limited resource? And if we do decide that this is the right thing to do, what conditions might we apply to [agricultural land]?

Sawicki and Withler's comments are very consistent with Bullock's response. Sawicki agreed that the application process is beneficial to help relieve local governments of excess political pressure whereas Withler discussed the application process' ability to provide time for reflection, and encourage cooperation between different levels of government.

#### 4.4.3.2 Flexibility

Four of the nine interviewees stated that another benefit of the application process is its ability to provide greater flexibility within the legislative framework. The term "flexibility" is used to discuss several dimensions of the application process as expressed by informants. It refers to the ability to accommodate shifting political interests, balance resilience and rigidity, and take into consideration the changeability of the agricultural sector. Sawicki, Grifone, Steppuhn, and Collins discussed how applications are meant to "keep options open," allowing for changing agricultural needs and citizen engagement in the democratic process.

Sawicki discussed flexibility in terms of resilience and rigidity. She stated that the application process cannot be too rigid because it is not a "black and white science." Sawicki noted that the application process was intended to be a temporary process but agrees that there is

political value for the ALC to be resilient so it can respond to changing conditions and agricultural values:

I have never been supportive of an ALR line that is etched in stone because, in a democracy, you do need pressure valves. This is not a black and white science. There are changing circumstances, just as there are changing markets for agriculture products. The whole intent of the ALR is to keep the food producing options open for the long-term. If you have total rigidity, then you don't have the resilience to go with changing circumstances.

Sawicki also stated that the original intent of the ALC's application process was to help "keep options open" on agricultural land and "ensuring that land capable of growing food [is] there for both our and future generations." She discussed how it was meant to fix original boundaries where mapping had not been accurate enough, allow for variations in community planning, and be a "pressure release" for specific circumstances arising with landowners. Grifone further stated that the application process should be flexible but warns that it should not be exclusively used as a mechanism for politics.

Steppuhn stated that the application process is a mechanism that introduces flexibility within the legislative framework to accommodate shifting political interest. Steppuhn noted that the application process allows "an avenue for vetting those cases where hardship may exist" and minimises public backlash against the legislation. She believes that it is "part of democracy to have at least an option" and used the term "dictatorship" to discuss a framework without the opportunity for amendments.

Collins discussed the value of the application process in terms of changeability of the agricultural sector and landowner circumstances. He stated, "I believe the ALC exists to recognise the changeability of the human condition and the changeability of agriculture." He explained that one of the greatest benefits of the application process is to respond to landowner

circumstances because the ALCA and ALR regulations cannot account for every contingency or possible option:

If the government wanted to preserve agricultural land the way it is forever, it could have done so, and not established the Agricultural Land Commission and the application process. However, government realized—pragmatically—that nothing is static: technology changes, farming practices change, communities grow, and the ALR boundaries were not perfect when they were established. There were and are ragged edges. Realistically, in any program, you have to have a way to adjust, amend, and accommodate inevitable changes to human society. Agriculture is no exception.

In addition, he stated that the application process is “politically necessary” because it allows citizens to approach decision makers and accommodates shifting political interests. He acknowledged that “agricultural land preservation is important but it is not always the most important value in a society” and allows for a degree of compromise within restrictive land use regulations.

Although Bullock did not discuss flexibility in his response, interviewees’ discussions were highly consistent with each other. Sawicki, Grifone, Steppuhn, and Collins all agreed that the application process is beneficial and has value because it introduces flexibility within the legislative framework.

#### 4.4.4 Constraints of the Application Process

In addition to identifying benefits of the ALC’s application process, informants also discussed three constraints for the ALC and local governments: (1) the limited amount of time spent reviewing individual applications; (2) the amount of time spent reviewing nuisance applications; and (3) the amount of time spent on pre-application meetings.



#### 4.4.4.1 Time spent reviewing individual applications

Three of the nine interviewees discussed whether the existing application process limits the amount of time the ALC spends on individual applications. This refers to the value in spending more time assessing each application and how the existing framework may not encourage a thorough review of each land use request. Bullock, Green, and Steppuhn identified that the existing review process creates a “backlog” and limits the amount of time the ALC can put into each application received.

Bullock stated that the time spent reviewing individual applications should not be reduced. To Bullock, there is “no efficient way” to reduce the amount of time spent on individual applications other than curbing the total amount of applications submitted. He believes that making a decision is no simple task and requires Commissioners to take applications “very seriously and [...] have all the facts.” Since application decisions must be grounded in the legislation Bullock urges Commissioners to “hold up very deliberately” and take their time in ensuring a fair review to all applicants:

Every decision we make could be [worth] hundreds of millions or it could be very little. It’s a very serious decision for that particular person. That’s why I insisted that our application process isn’t rushed. Take your time to make that decision because whatever decision you’re going to make people will be happy or not but be comfortable making your decision and make it based on your legislation. That is so important.

Green, however, did not believe the existing framework allows the ALC to spend a significant amount of time on each application because “they have a backlog.” Although he seems to place value on taking time to review individual applications, he discussed how applications may spend months in the ALC but he “doubt[s] that [the ALC] spend[s] more than a week on one individual application.”

Steppuhn, however, did not indicate that the existing framework is limiting the thorough processing of individual applications. While she placed value on comprehensively reviewing individual applications, like Bullock and Green, she stated that the process allows the ALC to effectively review individual applications: “They review them adequately and in adequate detail. They will do site visits if required and I think they take a lot of care about staff and the Commissioners to make thoughtful and well researched decisions.”

Overall, all interviewees placed value on thoroughly reviewing every application received but had differing statements about whether the existing application process limits the amount of time the ALC spends on individual applications. Bullock stated that the ALC should not spend less time reviewing individual applications, Green agreed but stated that the ALC is limited by the amount of applications received and does not spend enough time on individual applications, while Steppuhn stated that the ALC currently spends enough time reviewing individual applications.

#### 4.4.4.2 Nuisance applications

When questioned about why the ALC might spend too much time on processing applications, four of the nine interviewees discussed issues with the ALC’s ability to filter applications. Bullock, Withler, Informant 6, and Collins commented on the amount of “nuisance” or “frivolous” applications processed by local governments and the ALC. “Nuisance” applications refer to requests that propose no clear net benefit to agriculture but are still submitted and processed by the local government and ALC.

Bullock believes there are still too many applications submitted that should not be considered or sent to the ALC. He stated that land owners often submit applications for clear non-complying uses to try and bend regulations: “I’ll be frank, there’s a lot of liars out there—

anything to get ‘what I want.’ [...] There’s a lot of BS that goes on and you have to do it delicately and find out what the real facts are and it takes time.”

Withler stated that the majority of nuisance applications are from landowners who want a “castle built and [...] rent a house behind it to generate some income.” Withler explained that the ALC should encourage decision makers to refuse applications with no clear benefit to agriculture and that “a better decision-making process [...] would help clarify areas of interest to the ALC and areas that we won’t even entertain an application here.” He acknowledged Bullock’s efforts to curb nuisance during his term as ALC Chair: “I do think [Bullock] was on the right track and that was attempting to limit the number of frivolous applications and slightly amended application on the same property.”

Informant 6 stated that the need to review nuisance applications is a weakness of the application process and believes that most applications submitted do not provide a net benefit to agriculture:

I think at this point given where we are with the ALR [...] we are still seeing too many applications. And given that there are a number of them that aren’t really legitimate and are not going to be supportive of agriculture or beneficial to agriculture—It’s not really a good situation to be in with the ALR.

Adding to Bullock’s response, Informant 6 stated that processing nuisance applications might even diminish the public’s understanding of non-permitted uses in the ALR: “I think it gives people [...] false hope in a way; that they can do a lot of things and then if the local government council approves it and then it goes to the ALC it sort of feeds that.” In the Central Okanagan region, this generally includes applications for subdivisions and non-farm uses such as secondary dwellings. According to Informant 6, non-farm use applications are necessary because “there are going to be occasional exceptions where things make sense for a particular operation” but that

“second dwellings [are] rarely legitimate.” With regards to subdivision applications, they stated, “there are not too many instances where a subdivision will benefit agriculture” and adds, “[applications for] subdivisions are just a waste of time.”

Collins, however, is the only interviewee that did not discuss nuisance applications as a constraint of the application process. Unlike Bullock, he stated that the majority of nuisance applications have been diminished but can never be eliminated from the application process: “the nuisance applications will continue, but if we fight over the same pieces of ground for decades, that’s not the end of the world.” As discussed above, Collins stated that the 1994 amendments to the ALCA have reduced the total amount of applications submitted for review.

Overall, Withler and Informant 6 agreed with Bullock’s response that there are still too many nuisance applications. Only Collins’ response is not consistent with Bullock. Unlike the other informants, he stated that amendments to the ALCA have already reduced a significant amount of nuisance applications. Since these changes, he believes that applications submitted to the ALC that do not demonstrate a net benefit to agriculture are uncommon.

#### 4.4.4.3 Pre-application meetings

Three of the nine interviewees identified that another notable time consuming aspect of the application process are the many pre-application meetings that local city staff and the ALC often undertake. “Pre-application meetings” refer to preliminary consultations with landowners before applications are sent to the ALC or to the amount of time spent answering questions about the application process and ALC regulations. Green, Steppuhn, and Collins all discussed how pre-applications meetings can be a large draw on time and resources.

Green stated that there is significant “back and forth” between applicants and the city of Kelowna before an application is sent to the ALC. However, he stated that these pre-application

meetings and frequent revisions help save time for the ALC because they receive the “same amount of application we have but if they got the first draft it would make 10-20 times the workload.” Green emphasized that the application process at the local government and particularly the AAC, “is not filtering applications, its modifying them” because “there are people that apply and just get turned down and walk away but most people know that the AAC is still just a recommendation and take [the application] to city council.” He revealed that there is extensive communication between applicants and the local government but does not believe there are many applications that are abandoned following pre-application meetings:

I don’t think there’s very many times where people just abandon because I think it ends up being a long-term back and forth with the city staff—it’s this constant process. So I think a lot of applications spend a lot of time in that process and eventually go to city council but usually at that time the applicant has modified their application so much that the council says ‘yes.’

Steppuhn stated that she regularly meets with members of the public, landowners, realtors, and concerned citizens to discuss purchasing and using ALR land. While application duties for local planning staff generally includes writing reports, reviewing requests, and making necessary modifications, Steppuhn stated, “what is far greater in terms of time is meeting with people on a daily basis and talking to them about restrictions on their farmland.” She stated that the time spent on daily consultations is “largely unseen; because it doesn’t come in as a file, it’s not a number.” Steppuhn also discussed how most of these consultations are for ALR uses that would not have a good chance of receiving approval from the ALC. She states, “for every application, of those 12 or 14 that come through the door in a year, I probably talk to at least four or five other people about what they can do on their ALR land.” Her role, therefore, has largely been to discourage many from submitting applications to the ALC and help them understand the risk of purchasing and using ALR land for non-permitted uses. The result of this process, she stated, is

that “there are lots of people who turn away [and] who don’t apply.” Applications are also often abandoned at later stages in the process after pre-consultation meetings. Steppuhn discussed that files may be abandoned before submission to the ALC if an application receives non-support from the planners, AAC, and council.

Steppuhn noted that the ALC is also involved in the pre-application process, but only to a limited extent. According to Steppuhn, ALC planners are available by phone to the public for land use questions but that only “1 in 20 actually phones them as opposed to talk to [the local government].” She points to a need for more communication with the general public about permitted ALR uses to reduce the amount of inquiries to the local government. Collins, however, noted that his colleagues might receive between “10-15 calls a day about questions.” Like Steppuhn, he stated that the majority of the inquiries are for non-conforming uses that would have little chance of success if submitted to the ALC and the callers are discouraged to apply.

While Bullock’s discussion did not focus on the impact of pre-application meetings, informants’ responses were relatively consistent with each other. Green, Steppuhn, and Collins all noted that pre-application meetings are highly time consuming for local government staff and may deter their ability to forward plan.

#### 4.4.5 Lack of Clarity in the Division of Local and Provincial Powers

Further analysis of interview data revealed that there is a lack of clarity about the roles of the ALC and local government in the application process. In particular, there are three factors that contribute to issues concerning the division of powers: (1) the role of the local government in processing applications; (2) the ALC’s power in ensuring that local government bylaws are consistent; and (3) enforcement and compliance responsibilities.

#### 4.4.5.1 Role of local governments in processing applications

Three of the nine interviewees discussed how the role of local governments in processing applications is unclear. Bullock, Informant 6, and Collins had varying opinions on whether local government understand and fulfil their role in providing comments on reviewed applications or refusing to forward applications to the ALC.

Bullock stated that local governments “should be taking the primary role” in processing applications and that “the ALC should be the last ditch effort.” Bullock confirmed that local governments “don’t have to send an application to [the ALC]” because it’s “a decision they can make.” He stated that municipalities generally do fulfil their role in refusing applications, which can “reduce the application process through [the ALC] organisation substantially.” Bullock stated, however, that the amount of effort local governments put into processing applications varies. The ALC does not always receive comments or reports from local governments and must review all related information to the lot in question: “[...] a lot of councils and regional districts across the province just send it off to the ALC, no comment, nothing; then we have to start looking and that’s what takes time.”

Informant 6 discussed how existing legislation is too vague and does not clearly define local government responsibility in processing applications. Unlike Bullock, they stated that “there doesn’t seem to be a lot of understanding [...] about planning staff and local governments understanding that they have that ability to refuse applications [...] or the councils don’t want to take on that role.” They also stated that the legislation does not require local governments to provide comments or refuse applications even if they are inconsistent with local bylaws:

The ALCA just says that for an application to be forwarded it just needs a resolution from council but it doesn’t say about providing comments. A lot of local governments were

forwarding them to the ALC with comments saying we don't support it but then the ALC was approving it.

Collins, however, stated that most applications are sent to the ALC but that local governments generally do understand their authority:

Yes, almost any application can be refused to be forwarded by Council to the ALC. That said, most Councils forward most applications to the ALC. To say most local governments don't exercise their authority would offend many local governments. Many of them exercise their authority, but only infrequently.

Collins also discussed how "over the decades, local government bylaws and the ALCA are becoming more and more consistent. Therefore, if a landowner is not complying with the ALCA then they not complying with the local government bylaw." If local bylaws and long-range planning documents are consistent with ALC regulations, therefore, municipalities have the ability to limit the amount of applications sent to the ALC.

Despite varying perspectives, all interviewees generally agreed that local governments should be responsible for refusing inconsistent applications before they are sent to the ALC and provide comments. Bullock and Collins believe local governments understand their ability to refuse applications while Informant 6 does not believe this is the case. Bullock and Informant 6 also discussed varying efforts by local governments to provide comments on forwarded applications.

#### 4.4.5.2 ALC's power in ensuring that local government bylaws are consistent

Four of the nine informants discussed whether the ALC has the power to ensure local government bylaws are consistent with ALR regulations. Bullock, Green, Informant 6, and Collins had varying responses concerning the ALC's planning duties and the power the Commission is awarded through legislation.



Bullock gave examples of how the ALC lacks the power to ensure consistency of local planning documents with the ALCA. He stated that there are a few instances where the ALC reviewed local planning documents and found inconsistent sections in “their OCP that [the ALC] had said ‘no’ and they put them in anyway” and have later “come to [the ALC] with an application.” He stated that in some cases, since the ALC has no power to enforce bylaw consistency, the local government will disregard the ALC’s recommendations and “try and sneak it through [the ALC].”

Green discussed how the ALCA allows for too much ambiguity and an unclear division of authority. He discussed how “the fact that the ALR Act exists itself is good” and that “if there was no ALC within BC, I don’t think there would be a venue for discussing agricultural issues within Kelowna or issues with land use planning.” Green, however, “would like to see a better-written law” because the ALCA as it is written creates “problems with division of authority and the division of responsibility.” He stated that the ALCA should allow the ALC to take action against local governments who do not have consistent bylaws to improve long-range planning:

I think it’s less a question of what the ALC should be doing but about what the law should say the ALC should do. I think that within the law and the interpretation of the law there is, like Bullock said, the ability for the ALC to do more. [...] So I would like to see a better-written law. I would like to see an ALCA that says this is what local government has to have [and do in terms of agricultural land protection and planning].

Informant 6 further discussed that the ALCA is also vague in its description of ALC long-range planning duties. They stated that there is still “a fair amount of wiggle room there for what would be considered consistent” and that there has “been a lot of case law on that and what constitutes consistency.” They suggested the current law allows for vagueness and limits the ALC’s ability to enforce consistency within local governments. To Informant 6’s knowledge, the ALC “has

never invoked Section 46(4) on any local government” and that local governments are aware there are very few consequences to inconsistencies with the ALCA.

Collins discussed the ALC’s role in ensuring that local government bylaws are consistent with the ALCA. According to Collins, “the *Local Government Act* does not require compliance with the ALCA. However, the ALCA requires compliance with respect to the designation of ALR land.” He also noted that the “[ALC] Act states that: ‘the local government shall ensure.’ It doesn’t say that the ALC supposed to ensure [...] so the Commission’s role is to adjudicate.” Collins explained that existing legislation does not give the ALC power to enforce bylaw consistency and ensure local long-range planning for agriculture. He stated that this lack of power is a significant factor affecting how the ALC undertakes long-range planning with local governments because the ALC can only “offer the service of reviewing and determining consistency” even though “all bylaws must be consistent with the Act.” Although the legislation clearly states that local governments must ensure consistent bylaws with the ALCA, there are no mechanisms in place for the ALC to guarantee the law is followed:

The ALC can only declare bylaws as inconsistent. The leverage the ALC has is that if a bylaw is declared inconsistent and not amended then the local government could be considered liable if it misleads a landowner or investor to purchase ALR property that may be designated for purposes other than agriculture, but may be refused exclusion, subdivision, or non-farm uses through the ALC application process.

Collins explained that despite legislative limitations there has been enough collaboration to “nudge, prod, and encourage communities to establish consistent minimum lot sizes and other bylaw regulations.” He stated that the “the steady decrease in the number of applications over the decades reflects the increasing “consistency” of local government bylaws with the ALCA.”

Informants revealed that there is a lack of clarity about whether the ALC is responsible for enforcing consistency of local planning bylaws. Green and Informant 6’s comments were

relatively consistent with Bullock's statements by acknowledging that there is disconnect between the ALC's long-range planning duties and local government documents. However, when discussing the language in the ALCA, Collins stated that the ALC can only review local planning documents but not ensure consistency with ALR regulations.

#### 4.4.5.3 Compliance and enforcement of ALR regulations

Seven of the nine informants discussed public compliance and ALC enforcement of regulations as an additional aspect affecting ALC applications. Enforcement to ensure conforming land uses was the most frequent suggestion identified by participants when asked about what the ALC could improve. Bullock, Sawicki, Green, Withler, Informant 6, Steppuhn, and Collins discussed compliancy and enforcement issues and its impact on public understanding of ALC regulations.

Bullock is the only interviewee that stated the enforcement by the ALC is unnecessary and is not affected by the application process. To Bullock, enforcement initiatives do not address and encourage public and government perception that "farmland is for farming." While non-compliance is an issue throughout the province, he attributes the trend to a decline in government support and value for farmland rather than the lack of enforcement from the ALC. Bullock believes that the ALC should not be turned into an enforcement agency and that municipalities should be responsible for ensuring compliance. Bullock noted that the only enforcement option at the moment is to take non-compliant landowners to court but that the ALC has a limited budget and scope. In his opinion, even adding more enforcement officers at the ALC will not address local land use issues but "municipalities within their boundaries can do a lot because they're watching."

Sawicki stated that "human nature being what it is, it's [a complaint-based system and] probably necessary" but that enforcement is also a "slippery slope." Specifically, she

acknowledged that enforcement is an issue but that more enforcement officers are not a likely solution. She stated that the current system has been destabilized to such a great extent that enforcement officers would have little power to carry out consequences, let alone identify them. “They are enforcing within a totally destabilized environment with no real understanding of where we are going from here.” Sawicki noted that previous coordination with Ministry of Agriculture extension staff was widely successful in tracking non-conforming uses but “once the Ministry of Agriculture staff and budget were cut and the ALC budget was cut and you didn’t have the enforcement capability, if local governments weren’t really active in doing their own enforcement, then compliance and enforcement fell by the wayside.”

Green also discussed how enforcement has largely been left to local governments. He stated that the current framework is “using the city staff to be the teeth of the ALCA [and] the ALC is asking them to implement their things but there’s so many disconnects there.” He discussed how existing enforcement practices are largely complaint-based and do not actively pursue non-conforming land uses: “It’s a complaint-based system so there’s not people driving around in cars observing agricultural lands and issuing fines. ‘It’s waiting for someone to make a complaint and then they’ll investigate.” Green stated that relying on complaints to enforce regulations also does not improve public awareness of the ALC and that the “general public has no idea what the ALC does beside maintain the ALR.” Green notes how land owners who are unaware of the ALC regulations often “run up against these policies and laws [because] they want to change stuff and sometimes they’re surprised.”

Withler stated that the ALC should have included a means of enforcement when it was originally created. He stated that the lack of enforcement has reduced the ALC’s legitimacy “because [the ALC] made decisions and never followed up to make sure people were following

those decisions.” To Withler, enforcement issues are the cause of public non-compliance with ALR regulations and have “cluttered” the application process. That is, the lack of enforcement has encouraged landowners to apply for non-conforming uses because acceptable ALR land uses are unclear; “they notice the fact that ‘he can store cars on his property so I want to store a bunch of cars on my property.’ Then you get cluttered up because somebody else says: ‘well, it’s a local government thing and maybe you should apply.’” Although Withler acknowledged that there are currently two ALC enforcement officers, he did not believe they are capable of policing the entire province. He stated that enforcement officers are a step in the right direction for the ALC but that they are limited in staff.

Informant 6 stated that if looking for an area of improvement for the ALC, “enforcement would be a good one.” While they noted that local government bylaw enforcement is usually effective in curbing non-compliant uses, it “doesn’t mean they don’t exist or that people aren’t getting caught.” They discussed that while there are many non-farm use applications for secondary dwellings, there are rarely applications for storing RV units, commercial equipment, or fill on ALR land because there are few consequences for doing so.

Steppuhn further critiqued the existing complaint-based enforcement practices. She notes that while there have been joint enforcement initiatives between the ALC and City of Kelowna, the municipality still faces challenges enforcing regulations. So far, most non-complying uses are managed on a “complaint basis as opposed to approaching the owners of the company.” As there are many illegitimate non-farm uses on ALR land within city boundaries, she believes that more “enforcement [from the ALC] would be helpful because then there would be clear message to non-farm uses that are happening without authorization.” She stated that secondary dwellings,

landscaping equipment, and contracting tools placed on ALR land are the most prevalent form of non-permitted uses on Kelowna's ALR land and has a lasting effect on land values:

It has an impact through the community on land values because a lot of these companies come onto ALR land and there's speculation because the understanding is that you can do what you want and land is cheap elsewhere. Industrial land is expensive and ALR land is cheaper in the city of Kelowna.

Collins agreed there are "entrepreneurial people [...business owners, companies, and individuals...] that are either wilfully ignorant or very optimistic" who attempt to test ALC regulations with non-farm use and subdivision applications; however, he does not believe these people represent a majority of British Columbians. In British Columbia, he argued, "there is a general awareness in the citizenry that the ALR is very restrictive." He stated that there is mostly "trouble with out-of-province landowners, particularly from places where farmland regulations are less stringent" leading to speculation and unauthorized residential use of farmland. He noted, however, that enforcement is not a leading issue for the ALC. Collins stated that if local bylaws are consistent with ALC legislation then any non-permitted uses on ALR land are also in direct violation of municipal land use regulations:

Where the bylaws and the ALCA are consistent, then shared compliance actions are appropriate. As I have indicated, over the decades, local government bylaws and the ALCA are becoming more and more consistent. Therefore, if a landowner is not complying with the ALCA then they not complying with the local government bylaw.

Collins stated that because local government bylaws and the ALCA should be consistent, it is rare that a local government will exclude itself from enforcement action, and place the entire responsibility on the ALC. He noted that the existing complaint based system "strikes at the heart of the political process" and allows landowners to ensure local governments are carrying out their land use bylaws and that regulations are being followed.

Overall, Bullock and Collins are the only informants that did not discuss a need for more enforcement from the ALC. Rather, they believe municipalities should play a greater role, sighting local value for agricultural land and consistent bylaws. Sawicki cautioned that enforcement is a “slippery slope,” but like Green, Withler, Informant 6, and Steppuhn, she believed it is an issue that could use more attention from the ALC.

#### 4.4.6 Impact of Political Pressure

Political pressure was a reoccurring theme throughout the interviews. Specifically, informants discussed four factors that impact the application process and ALC’s long-range planning abilities: (1) local politics; (2) the regional panel system; (3) frequent provincial legislative changes; and (4) recent amendments to the ALCA.

##### 4.4.6.1 Local politics

Five of the nine informants discussed the impact of local political pressure on the ALC’s application process and long-range planning initiatives. Informants used the term local politics to refer to shifts in the local public interest, frequent councils changes, and local influence on AAC decisions. Green, Collins, and Informant 9, noted that local politics play a role in influencing support for the ALC and the quantity of applications submitted. Bullock, Green, and Informant 6 also discussed local politics as an outcome of the ALC’s regional panel system.

Green commented on how local political pressure influences the effectiveness of the application process. He stated that local political pressure might, in some cases, overshadow AAC discussions about the net benefit of applications to agriculture and their impact on long-range agricultural land use planning. With regards to Kelowna’s changing landscape, he stated: “That sort of visceral experience pushes the local politics and the people who are moving there to

think about what type of place they want to live in.” To Green, local politics can limit the AAC’s role and diminish its effectiveness in engaging beyond the application process:

It’s an issue of what politicians want us to talk about, what sort of recommendations do they want us to give. [...] Just to state really clearly; I think the existence of the ALC is important, because the AAC exists and I think that if the AAC didn’t exist then there wouldn’t be a forum for agricultural issues outside of a very politicised city council. However, I don’t think the AAC is realising that potential for a forum because of the politics.

He also acknowledged, however, that the long-standing ALR presence in a community might help diminish the role of local politics on the application process.

Collins stated that “support for the ALC always waxes and wanes in any political system so you cannot be sure what the next generation of politicians and staff will propose.” He noted that politics are a constant part of processing applications because land uses are often a highly contentious issue. In addition, Collins stated that ensuring evenness between the ALC regulations and local planning documents can be challenging because “limited staff with a high turnover makes it tough to keep a consistent approach.” He added, however, that the longer the ALR is in place, the less local politics will attempt to interfere with ALR land: “I believe that over time politicians and citizens recognize that agriculture enhances the community economically and aesthetically.”

Informant 9 discussed how local politics have swayed how applications are processed. For instance, they stated that a municipality “[...] may have a council or a board that views property development as the primary goal and sees agriculture as more in the way of that aspect of land use planning.” They suggested that council politics might result in more applications or influence compliancy with ALR regulations. Informant 9 also stated, however, that local politics



may be unavoidable. Since councils and public interest change frequently, there is “always going to [be] a certain amount of push and pull that comes with our democratic system.”

#### 4.4.6.2 Critiques of the regional panel system

The influence of local politics was also attributed to the ALC’s regional panel system. Bullock stated that regional panels amplify political pressure on ALC Commissioners and threaten the ALC’s role as a judicial body. He revealed that fragmented decision making takes away from the ALC’s ability to make impartial decisions:

One of the reasons I don’t like this system of having these three people from the six regions is because of the pressure put on them. They’re being put in a [difficult] place with the people within that region; I keep hearing ‘these are my commissioners.’ They’re not your commissioners. The people of the province have put them in their positions and the toughest thing is for them to back away from those biases they may carry. It’s a very difficult role and I was insistent that decisions are made on the law. Some of them are very uncomfortable but the law doesn’t allow you to go there.

Green further noted that the ALC’s regional panel system does not allow the application process to ensure consistent decision-making for all municipalities. He stated “[...] if you just have regional panels that can just take land out then [the law is] not evenly applied. So if you want to see less applications and more progressive land use planning, have consistent laws and maintain the ALR as a province-wide land use zone.”

Informant 6 stated that legislative changes leading to the regional panel system doesn’t allow for a predictable interpretation of provincial legislation. Like Bullock they agreed that local pressure was reintroduced with the panel system:

[...] you don’t have the same kind of checks and balances from having people from outside the region look at things. I think the government reinstated the panel system because there was a complaint that the local situations weren’t being taken into

consideration by the panel at large but it's always—the cynical part of me says: 'does that mean it was working? Were people feeling that they couldn't exercise influence?'

While the presence of political pressure during heated land use debates is expected, Bullock, Green, and Informant 6 suggest that it may interfere regularly with the application process. They also have consistent comments regarding political pressure as an outcome of regional panels. Collins and Informant 9, however, do not share these perspectives and believe existing political pressure is a normal aspect of the ALC and does not significantly interfere with the application process.

#### 4.4.6.3 Frequent provincial legislative changes

Five of the nine interviewees, Green, Steppuhn, and Collins, stated that frequent provincial legislative changes play a large role in limiting the effectiveness of the application process and long-range planning. Bullock, Sawicki, and Collins further discussed the impact of frequent legislative changes with regards to the most recent amendments to the ALCA.

Green stated that provincial politics have forced the ALC into only focusing on applications. He argued that “if [the provincial government] want[s] to reduce applications they have to maintain a set of consistent laws and procedures so that people don't have to keep experimenting with applications.” He noted that frequent legislative changes influenced by provincial politics have contributed to reducing public understanding of ALR regulations and taking time away from the ALC's other duties, such as long-range planning:

You need to factor in the shifts over the last 20 years. It's been morphed and taken apart, put back together. There have been regional panels, then no regional panels. I don't blame people for not being able to follow it because I think that's part of the strategy of taking it apart. Constant change and flux in the actual way that the ALC functions means that its ability to do its duty is affected [and] that every five to eight years there's a total shift.

Steppuhn indicated that frequent legislative changes have caused public confusion about permitted and non-permitted uses on ALR land. She notes that speculation also increases the amount of applications and inquiries to the local government:

I think that one of the things we should do provincially is some strong public notification and even whether it's press releases, or news articles, or bulletins, because with the changes of the ALC last year there's a lot of speculation that it was going to be easier. We hear it all the time: 'now that we have new commissions it's going to be easier'—every time there's a change there's a bunch of speculation that comes with it and whether that's valid or not remains to be seen.

Collins stated how recent changes in ALC leadership and provincial legislation can influence public perception of permitted and non-permitted uses and can even encourage old applications to resurface:

Richard Bullock has now been replaced and there have been significant changes to the ALCA. As such, there is a sudden increase in applications, including applications that the ALC had repeatedly refused. They are now back before the ALC again because of perceived loosening up of the ALR through personnel and legislative changes. A sense of change in the legislation and organisation generates its own flurry of application activity.

Collins noted, however, that all legislative changes to the ALCA have not always led to an increase in applications, that there are many other reasons why applications fluctuate over time. Collins believes it "is about leadership, it's about the administrative structure, it's about resources, [and that] it is about the cost of an application and the time it takes to review and render a decision." He added that future legislative changes to the existing ALCA could potentially decrease applications further: "if a new government came in and adjusted the regulations, strengthened the legislation, got rid of the two zones, it would probably again shift down the number of applications."

#### 4.4.6.4 Possible effects of the most recent ALCA amendments

Bullock noted that recent amendments to the ALCA (Bill 24) have placed a significant amount of pressure on the ALC. In response to these changes and their impact on the application process he stated: “I would suspect the applications are going to go nuts—particularly up in Zone 2.” He also believes that these changes will eventually lead to more compliancy issues and political pressure through the application process: “it was put in there for a reason and that is to open things up and then what’s going to happen is that guys down here will be seeing changes up North and the pressure will be on to loosen the system down here.”

Sawicki similarly discussed how the most recent amendments undermine public confidence because it is evident that consistent decision-making can no longer be achieved through the application process. She believes that this is a critical limiting factor to the ALC’s ability to protect farmland:

What Bill 24 did was substantially erode the fundamental principles of the ALR as it was originally conceived. It was one of those situations where what they couldn’t do it through the front door (i.e. wipe out the ALR and ALC), they did through the back door and that’s what Bill 24 did. It eroded the scientific basis and the sense of consistency, fairness, and stability to the point where, in my mind, I don’t know how the ALC can administer anything that’s acceptable to the public. If you don’t have consistency and fairness, then the public support—which every study has shown, is very high in British Columbia and support for local food production is higher now than it’s been at any other time—will eventually decline. Even the most passionate advocate for agriculture won’t tolerate obvious unfairness and lack of consistency on the ground.

Informants commenting on the impact of frequent legislative changes and the possible effects of the most recent ALCA amendments had generally consistent statements. Collins is the only interviewee to note that previous amendments have actually helped diminish the amount of applications and restructure the ALC to focus on long-range planning. Although he agrees

frequent legislative can encourage old applications to resurface, his response also notes that amendments to the legislation do not all have a negative impact.

#### 4.5 Summary of Results

The analysis of ALC applications for the City of Kelowna and Okanagan Regional Panel revealed four significant results: (1) the total number of applications submitted to the ALC from the City of Kelowna and Okanagan Regional Panel per year is generally decreasing; (2) exclusion applications are almost always refused; (3) non-farm use and subdivision applications are the most common type of application submitted; and (4) there has still been a net loss of farmland in the Okanagan Regional Panel despite a decreasing number of applications.

The analysis of Kelowna AAC Decisions revealed two significant results: (1) most applications that pass through the AAC are forwarded to the ALC but there is evidence that some are abandoned; and (2) there is a degree of decision consistency between applications not recommended by the AAC and refused by the ALC.

The analysis of key informant interviews revealed six significant results, as listed in Table 5.

Table 5: Summary of Key Informant Interview Results

	Results	Description
1	There is a general level of agreement with Bullock's statement	Interviewees either strongly agree, agree, or somewhat agree.
2	There are multiple aspects to ALC's long-range planning duties	(1) Reviewing local planning documents (2) educating local planning staff. However, there is some uncertainty in the ALC's definition of long-range planning.
3	There are merits to the application process	(1) Rigorous decision-making (2) flexibility
4	There are also constraints to the application process	(1) The limited amount of time spent reviewing individual applications (2) nuisance applications (3) pre-application meetings.

5	There is a lack clarity in the legislation regarding the division of powers	(1) The role of the local government in processing applications (2) the ALC's power to ensure local government bylaws are consistent (3) enforcement and compliance responsibilities.
6	There is evidence that the application process is influenced by political pressure, including;	(1) Local politics (2) frequent provincial legislative changes

## Chapter 5

### DISCUSSION

The ALCA is the province's prime directive for agricultural land use planning to ensure long-term farmland protection. It has long been regarded as the cornerstone to one of the most progressive provincial agricultural land use planning programs in North America. There is concern, however, that too much focus on the ALC's application process may, in effect, present significant barriers to long-range agricultural land use planning for farmland protection. While the application process is an important means of managing agricultural land, it should not serve as the only tool used to ensure long-term farmland protection and planning.

The purpose of this research is to evaluate Richard Bullock's statement that "too much prominence has been given to the application process and not enough to long-range planning" (Bullock, 2010, 54). I found that Bullock's statement is valid, but with several important qualifications. The results of the interviews indicate that the ALC could spend less time on the application process and that an increased focus on long-range planning could improve consistency between planning documents and local government value for farmland protection. Results, however, also revealed that there is value in the application process and that it is not the principal barrier to the ALC's long-range planning duties. Rather, the legislative framework within which the ALC operates plays a significant role in determining the amount of time the ALC spends on the application process versus long-range planning.

This section will assess conflicting opinions, discuss the significance of results, and examine limitations in the research design. In light of my interview with Richard Bullock, I did not record any significant changes in his opinion from his initial statement. If anything, his perception of whether the ALC is too focused upon its application process and not enough on

long-range planning was stronger than when first stated in 2010. He made frequent references to his 2010 report throughout his interview and the long-term implications of spending too much time on the application process: “Like I said in the report, I don’t want everyone to wake up one day and say, ‘Where is it? Now there’s nothing but houses and logging trucks.’” His discussion of the application process also expanded on his initial statement while maintaining consistency. Bullock’s interview, therefore, confirmed his opinion that too much time, effort, importance, and attention to the application process directly detracts from long-range planning.

#### 5.1.1 Question One: The extent to which the application process is too prominent

This question addressed the first part of Bullock’s statement that “[...] too much prominence has been given to the application process” (Bullock, 2010, 54). The application process is too prominent due to three factors relating to nuisance applications: (1) nuisance applications are a large draw on time and resources; (2) they increase public confusion about acceptable applications; and (3) lead to excessive pre-application meetings.

The ALC spends too much time and effort reviewing nuisance applications. Although the total number of applications has decreased by approximately 30% since 2006, there are still too many non-farm use and subdivision applications reviewed that present no clear net benefit to agriculture. During the examined time frame, 62% of all subdivision applications and 37% of all non-farm use applications from Kelowna received refusal decisions. In addition, 56% of all applications submitted to the ALC from 2006-2014 received refusal decisions. Nuisance applications are evident in high refusal rates seeing that over half of the requests to the ALC do not comply with ALR regulations. Nuisance applications contribute to the prominence of the application process because the ALC currently spends the majority of their time and resources processing applications they will eventually refuse instead of focusing on other planning duties.



Limiting nuisance applications, therefore, could allow local and ALC planners more time in their workday to fulfill long-range planning duties for farmland protection within their jurisdiction.

Nuisance applications, and the ALC's leniency in thoroughly processing applications that provide no net benefit to agriculture also increases public confusion about what is an acceptable application to submit. The existing precedent that the ALC will review all applications submitted further contributes to the prominence of the process. By reviewing nuisance applications, the ALC is often perceived as a processing facility that only reviews applications and manages ALR boundaries. As such, the public overlooks the ALC's planning role and assumes that processing applications is their only purpose. The public attention and importance placed on the application process further contributes to the total number of nuisance applications submitted per year and the overall focus on applications. As a result, the public looks to the application process to mitigate land use needs and conflicts instead of relying on long-range planning initiatives to refine regulations and farmland use. Farmland protection, therefore, is largely understood as a principle that can be amended by the application process rather than a valued feature of local government planning.

Nuisance applications are also linked to excessive pre-application meetings. Although pre-application meetings are meant to filter request before they are submitted to the ALC, high public confusion about ALR regulations lead to frequent meetings between planners and individuals. The ALC and local governments spend a significant amount of time and effort meeting with the public to explain ALR regulations and local planning guidelines. As a result, pre-application meetings also contribute to the level of importance and attention given to the application process by drawing local and ALC planners away from long-range planning duties. This was particularly evident for informants with a local scope of experiences that discussed how

the majority of pre-application meetings are concerning non-conforming land uses and applications that would not be accepted by the ALC. Pre-application meetings are linked to nuisance applications, which further contribute to the prominence of the application process. By further limiting nuisance applications, results suggest that the total amount of requests submitted could be reduced; thereby decreasing the amount of pre-application meetings.

#### 5.1.2 Question Two: Potential benefits of dedicating more time to long-range planning

This question evaluated the second part of Bullock's statement that there is "not enough [focus] to long range planning" (Bullock, 2010, 54). The ALC can place more emphasis on two variables to benefit long-range planning: (1) reviewing local planning documents; and (2) educating local planning staff about the ALCA and planning for agriculture. The majority of people interviewed agreed with Bullock's statement and that there are benefits of placing more emphasis on long-range planning as opposed to the application process.

Reviewing local planning documents are the ALC's primary long-range planning duties. Although the ALC already engages in these activities to a certain degree, there is a need for a greater focus on local government planning within the ALC's day-to-day operation. Since the ALCA requires consistency between local bylaws, the ALC is responsible for reviewing local planning documents to make sure policies and objectives are in line with provincial legislation. There was some notable uncertainty among interviewees, however, about how to identify long-range planning initiatives and long-range planning documents. As such, the ALC's mandate to encourage local agricultural land use planning has not been fully integrated and communicated to local planning professionals. There are still opportunities for improving the province's review of agricultural land use planning documents at the local level. The benefits of these duties are consistency in farmland policy, which enables local governments to consider long-term farmland

use during decision-making and enhance their ability to manage and protect farmland. There is also value in greater communication between local planners and the ALC to improve the focus on long-range planning duties. Consistency between local and provincial planning documents should be the primary long-range planning duty, which benefits long-term farmland protection.

The ALC's role in educating local planning staff and councils is also a means to fulfil long-range planning duties. Over half of informants discussed how previous educational opportunities, such as workshops or planning sessions, with the ALC were highly beneficial to help ensure and enhance long-range agricultural planning efforts. Educating local planning staff about ALR regulations helps improve their understanding of farmland protection policy. An ALC with a stronger focus on education could also help counter the high staff turnover rates at the local level and help curb the quantity of nuisance applications received. As discussed above, there is further evidence that public understanding of ALR regulations can also be improved to avoid excess applications and pre-application meetings. Public meetings, news releases, and workshops are a means to counter nuisance applications while increasing the ALC's focus on long-range planning. A greater educational role could benefit the ALC's ability to manage and protect farmland while ensuring continuous local government understanding of farmland protection policy.

#### 5.1.3 Barriers to long-range planning

The application process is not the primary barrier to long-range planning. Rather, the current context within which the ALC functions limits its long-range planning duties. As such, the ALC's focus on the application process is an outcome of broader factors and is not a direct cause for less long-range planning initiatives. Specifically, a lack of clarity regarding the division of

local and provincial powers and political pressure are the most significant barriers to long-range planning and constrain the ALC to focus on the application process.

#### 5.1.3.1 Lack of clarity in the division of local and provincial powers

A lack of clarity in local and provincial powers is a significant barrier to more long-range planning due to three factors: (1) it allows for variability in how local governments process applications; (2) it limits the ALC's ability to guarantee consistency between planning documents, and; (3) it does not specify enforcement responsibilities.

A lack of clarity about local government duties in processing applications is a significant barrier to long-range planning because it allows for substantial variability in how local governments process applications. Confusion among interviewees regarding whether local governments are required to provide comments or refuse applications before they are sent to the ALC reveal a significant gap in how the application process is understood in theory as opposed to what occurs in practice. For instance, the legislation's lack of a clear and required process means that local governments that are engaged in processing applications (such as pre-application meetings, providing comments, and choosing to refuse applications) may place a significant strain on their planner's ability to forward planning. There is, however, no consequence in the legislation that ensures local governments must undertake an active role in the application process. Local governments, therefore, have an ability to be less (or be simply not) engaged in the application process. If local government do not refuse applications or forward comments they, in turn, place a significant strain on the ALC by increasing the quantity and time the Commission must spend reviewing applications. As such, it was determined that the ALC's focus on the application process depends highly on how engaged local governments are in processing their applications.

A lack of clarity about the ALC's legislated long-range planning abilities is also a barrier to long-range planning because it limits the ALC's ability to guarantee consistency between planning documents. Although almost all interviewees called for the ALC to take on a greater long-range planning role, only Collins seemed aware of the ALC's role, as mandated in the ALCA. These varying responses revealed a significant gap in what interviewees perceived the ALC "should" and what the ALC "can" do to increase long-range agricultural planning. Specifically, the ALC is not given the power to enforce any of the recommendations it produces for local government planning documents. Therefore, aside from reviewing documents and suggesting changes, the ALC is limited in its ability to ensure local governments are implementing their comments and has no authority to pursue local governments if they choose not to. This constraint again gives local governments more flexibility in how they choose to engage with the ALC and receive the ALC's help to long-range plan. Without more ability to ensure consistency, the ALC's ability to engage in more long-range planning depends highly on local government cooperation. Thus, if local governments are not receptive to the ALC's planning help then the ALC is forced to exclusively rely on the application process to regulating agricultural land use in that jurisdiction.

A lack of clarity about enforcement responsibilities further impedes more long-range planning because it decreases public confidence and understanding of ALR regulations. Interviewees noted that it was unclear whether local governments or the ALC are fully responsible for ensuring compliance and discussed a lack of provincial resources to help curb non-conforming land uses. Although local planning documents are supposed to be consistent with ALC legislation, there is a significant disconnect on whether they have the authority to enforce regulations on a provincial land zone. There are also few, if any, consequences, aside

from the loss of provincial farmland, for municipalities that choose to not take on an active enforcement role. As a result, enforcement is largely complaint-based, and does not always ensure compliance with ALR regulations. This contributes to un-monitored non-conforming uses within the ALR boundary, increasing public confusion about what is permitted and non-permitted on ALR land. As such, the lack of proper enforcement capacity and complaint-based system thwarts long-range planning initiatives by having to continually react to, rather than foresee, non-conforming uses on ALR land.

#### 5.1.3.2 Impact of political pressure

Political pressure is a significant barrier to more long-range planning due to two factors: (1) it allows for increased local influence, and (2) it leads to frequent legislative changes.

Although political pressure is a normal part of land use decisions, the ALC's existing structure allows for increased local influence. Local interests, intensified by the ALC's regional panels, can lead to inconsistent land use decisions and interfere with the ALC's ability to operate as an impartial judicial body. Local interests do not necessarily have agriculture as their priority and this further reduces public confidence in the ALC's ability to protect farmland. Local political pressure, therefore, can prevent the ALC from maintaining a consistent decision-making process and increases local ability to choose how they engage in the application process and the extent to which they follow the ALC's long-range planning recommendations.

Political pressure further limits long-range planning because it contributes to more frequent legislative changes. Interviewees stated that frequent legislative changes affect how the ALC is able to undertake its duties because they are frequently restructured. As a result, local government may become less inclined to follow ALC planning recommendations to ensure consistency with the ALCA because regulations change regularly. Frequent legislative changes

also contribute to greater public confusion about permitted and non-permitted uses leading to an increase in the amount of applications. Even applications that have already received an ALC decision may resurface and be resubmitted to test new regulations. As such, frequent legislative changes have a significant impact on the amount of applications submitted and forces the ALC to remain focused upon processing applications.

In his 2010 review report of the ALC, Bullock also stated that the Commission's past funding levels were a major constraint amplified by political pressure. He noted that "the ALC is extremely challenged [in its ability] to meet its mandate" and that only "continued government, support and adequate funding and resources will allow the ALC to meet its challenges" (Bullock, 2010, 6). Without more political support and funding for the program, the ALC was not able to carry out its existing work, respond to and enforce against improper use of ALR land, and engage in more long-range planning initiatives. Since the 2010 review report, however, there have been increases in the budget and funding to help counter these challenges. In response to Bullock's report, the government provided \$1.6 million in transitional from 2011 to 2012. In 2013, the Commission's base budget was further increased from \$1.974 million to \$2.905 million (Progress Audit- Agricultural Land Commission, 2014, 19).

## 5.2 Conflicting Opinions

There are four notable divergences between interviewee responses: (1) Collins' statement that legislative changes to the ALCA have not always led to an increase in applications; (2) Collins' statement that legislative changes have also increased the ALC's long-range planning duties; (3) Collins' statement that the ALC is limited by the ALCA in its ability to engage in more long-range planning; and (4) Bullock's statement that enforcement by the ALC is not necessary. The

most important of which, is Collins' point that the ALCA does not give the ALC the authority to intervene in more long-range planning.

Collins was the only interviewee that discussed how the number of applications has been reduced over time. He did not believe nuisance applications play a large role in determining the amount of time the ALC spends on the application process. Rather, amendments to the ALCA over time have diminished the amount of submitted applications but cautioned that nuisance applications can never be eliminated from the application process. Collins noted that applications have declined over time due to increased application fees, reduction in the amount of site visits, and growing consistency between local planning documents and the ALCA but that the application process is still a key function of the ALC.

ALC application data for the City of Kelowna and Okanagan Regional Panel also show that the number of applications have declined by approximately 30% in the 2006 to 2014 period. In particular, the number of subdivision applications, the most frequently identified nuisance application stream, has decreased as well. Non-farm use and exclusion application trends, however, have varied significantly in the assessed timeframe. Thus, Collins' statement that the applications have decreased over time appears to be valid. However, it does not account for the fact that despite fewer applications submitted to the ALC, refusal rates have remained relatively stable; there are still a noticeable percentage of applications submitted that provide no net benefit to agriculture. Collins' statement, therefore, is significant because it presents a longer-term view of the ALC's changing application process and questions assumptions about the present situation.

Collins' discussion of the ALCA also noted that historic legislative changes have been effective in reducing applications and increased the ALC's long-range planning duties. He stated



that the 1994 amendments to the ALCA were introduced to strengthen the role of the local governments in processing applications and broaden the mandate to include a more active role in local land-use planning. As such, the ALC is currently fulfilling its mandate and long-range planning duties based on amendments to the ALCA.

Collins further states that long-range planning is currently one of the ALC's duties but that the ALCA does not allow the ALC to function beyond its existing duties. Specifically, the ALCA does not allow the ALC to ensure and enforce local government consistency with ALC regulations. Section 46 of the ALCA states, "A local government in respect of its bylaws and a First Nation government in respect of its laws must ensure consistency with this Act, the regulations and the orders of the commission" (*Agricultural Land Commission Act*, 2002, c 36). It stipulates that local governments "must" ensure compliance with ALR regulations. Section 477 of the LGA states that when a local OCP is to be adopted the local government is required to send it to the ALC for review: "if the plan applies to land in an agricultural land reserve established under the *Agricultural Land Commission Act*, refer the plan to the Provincial Agricultural Land Commission for comment" (*Local Government Act*, 2015, c 1, s 477). The ALC is only awarded the power to comment and review plans, and does not have authority to ensure consistency with ALR regulations. This clause of the LGA, therefore, limits its ability to actively engage with local governments in long-range planning and does not give it a leading role in long-range agricultural land use planning legislation.

With regard to enforcing consistency, Section 46 of the ALCA clearly states that a local plan that is not compliant with ALR regulations will be invalidated. Informant 6, however, noted that they have never seen this clause enforced. The ALCA does not specify who is responsible for ensuring compliance and which governing body is accountable for identifying and ensuring

the consequences of non-conforming local plans are carried out. Therefore, while the ALC may provide comment on local plans with ALR land within their boundaries, they have no power to ensure their comments and recommendations are followed. The legislation stipulates that the local government is entirely responsible for its collaboration between the ALC but there is no accountability measures in place to ensure it fulfills its long-range planning duties. Consequently, Collins' statements reveal that there are other factors, aside from the application process, that limit the ALC from focusing on duties beyond the application process. The existing legislative framework contributes to a lack of clarity in the division of provincial and local powers and is a significant factor deterring the ALC's ability to effectively carry out long-range planning duties.

Bullock was the only informant who stated that enforcement by the ALC is unnecessary. Although almost every other informant discussed the ALC's lack of enforcement ability in terms of weakness; he does not agree with these responses. Bullock ties lack of compliance with ALR regulations to poor government support for the ALR. He also believes local governments should have a greater role in ensuring compliance with ALC regulations. Like Collins, he states that consistency between ALR and local policies is important and ensures local governments are accountable for the enforcement of permitted land uses within ALR boundaries. His response is significant because it presents a different way in which to understand the respective roles of the local government and ALC in the provincial agricultural land use planning framework. He believes the ALC should be removed from local politics and function as an impartial judicial court rather than as an enforcement agency.

### 5.3 Significance of results

#### 5.3.1 Implications for agricultural land use policy in BC

The results of this study are significant because they have implications for agricultural land use policy in BC. Specifically, there are implications for three aspects of BC's current framework: (1) the application process; (2) agricultural land use planning practices; and (3) the agricultural land use planning legislative framework for farmland protection.

##### 5.3.1.1 The application process

Results revealed that there is value in the ALC's application process, despite too much prominence. Specifically, the application process allows for flexibility within the legislative framework and rigorous land use decisions. The process should not be removed because it is also an important land management tool that helps maintain existing ALR boundaries. There is still a need, however, to reduce the ALC's focus on the process and increase its long-range planning role for farmland protection.

Other studies have sought to amend the application process' regulations or practices to increase the ALC's ability to protect farmland. Cavendish (2009), for instance, recommended a moratorium on exclusion applications and suggested limiting application requests to municipalities only. Androkovich (2013), on the other hand, discussed the use of the Land Evaluation / Site Assessment (LESA) ranking system to improve application assessments. In contrast, this study determined that the ALC's ability to long-range plan for farmland protection is not determined by or further improved by revised application process regulations and practices. Rather, the application process does not hinder long-range planning for farmland protection in BC; the current legislative framework hinders it. The dominance of the application process is a symptom of the existing framework within which the ALC operates because the

ALC is limited by the ALCA in its capacity to undertake a greater long-range planning role. The application process is not the ALC's primary barrier to long-range planning because without more power to certify long-range planning, the ALC has no choice but to focus on the application process. As such, a review of the legislative framework, not application process regulations or practices would increase the ALC's focus on long-range planning and enable the Commission to more effectively protect farmland.

#### 5.3.1.2 Agricultural land use planning practices

The results of this study are also significant because they suggest implications for the ALC's agricultural land use practices. The ALC is currently only able to "manage" the ALR instead of "plan" for agriculture. The difference between "managing" and "planning" is that the first only allows the ALC to respond to land use changes rather than take a forward thinking approach to account and mitigate for future land use. In line with Hanna's (1997) conclusions, the ALC's "physical land-use planning cannot in itself insure good stewardship, or that land will be kept productive" (170). As such, the ALC can only respond to applications and review ALR boundaries because it does not have the authority to ensure or follow up on long-range planning initiatives.

The most significant consequence of a "managing" rather than "planning" ALC is that the Commission has become highly depended on local governments. Under this framework, local governments have become primarily responsible for fulfilling long-range planning initiatives. As a result, the ALC's effectiveness in protecting farmland and engaging in long-range planning at the local level largely depends on and is determined by the willingness of local governments to participate beyond the minimum legislative requirements. This means that local governments have the choice, rather than an obligation, to play a role in meeting the ALC's mandate in

ensuring local consistency with the ALCA. Due to the context within which the ALC operates and the recent amendments to the ALCA, local governments have the opportunity, but are not strongly held accountable for their planning and advocacy role for farmland protection. Without a greater “planning” role, the ALC can only “manage” land use requests, but not ensure strengthened local planning regulations for agriculture, increased local engagement in the application process, and establish agriculture as a valued future land use.

Since local governments, are primarily responsible for long-range planning, engagement with the ALC across municipalities varies significantly. Kelowna, for instance, is a municipality that chose to engage in long range planning for agriculture and work with the ALC. It currently has strong links to the ALC and has commitments to long-range planning for agriculture because they are “willing” to work with the Commission. Cooperation with ALC, however, has not always been the case in Kelowna. Prior to a drastic political shift towards a greater value for ALR land and long-range planning for agriculture, the city did not have a strong opinion of the ALC or farmland protection. The city had a relatively weak legislative framework for agriculture, few collaborative projects with the ALC, and even attempted to reverse ALR boundaries with the contentious Land Owners Rights Application (LORA). Kelowna is a key example of the extent to which local governments drive long-range planning duties and their engagement with the ALC.

A second consequence of orienting the ALC towards a “managing” role is a changing staff complement. Bullock noted in his 2010 review report of the ALC, the Commission’s professional planners are involved in processing applications rather than using their “expertise and education to properly research and advise commissioners on technical planning matters and ALR boundary reviews” (Bullock, 2010, 55). As such, current ALC staffing requirements appear

to be directed primarily at protecting farmland and limited in their ability to support and encourage farming within ALR boundaries.

#### 5.3.1.3 Agricultural land use planning framework for farmland protection

Unlike Alterman (1997), Hanna (1997), Cavendish-Palmer (2008), and Androkovich (2013), this study did not focus its evaluation on identifying ideal administrative conditions and classifying common elements of success. Rather, it revealed how the critical significance of a few legislative details can have the double effect of increasing the prominence of applications and constraining what long-range planning that the ALC can do. As per Collins' discussion, the ALCA does not allow the ALC to enforce or ensure long-range planning at the local level. Although BC's agricultural land use planning framework for farmland protection is strong overall, it allows too much flexibility through the application process and introduces an unclear division of power that limits the Commission's ability to ensure greater farmland protection. As stated above, the legislative framework allows the ALC to become an application processing centre rather than a planning agency.

The excessive prominence of the application process also has specific implications for the ALCA's most recent amendments (Bill 24) passed on May 29, 2014. Recent amendments introduce even more flexibility to the agricultural land use planning framework and may amplify the effects of the application process while diminishing long-range planning. The results of this study provide a rich basis for which to further critique the introduction of these amendments and predict the potential effects. That is, these amendments may further reinforce the ALC's role as managing farmland rather than forward planning and give greater control to local governments and make long-range planning more dependent on their participation. Under the current

legislative framework, these amendments may weaken agricultural land use planning and impair the ALC's ability to impartially protect farmland across jurisdictions.

To strengthen the legislative framework for long-range planning in light of these amendments, there is an opportunity to review the ALCA and LGA. Although the ALCA stipulates that local governments “must” ensure compliance with ALR regulations, there is a lack of clarity concerning which governing body is accountable for identifying and ensuring the consequences of non-conforming local plans. Introducing accountability measures would award the ALC more authority to long-range plan beyond providing comment on local plans and give the Commission power in ensuring their comments and recommendations are followed. In addition, the LGA could be amended to give the ALC the duty to “approve plans” rather than “review them.” That is, the LGA should state: “if the plan applies to land in an agricultural land reserve established under the *Agricultural Land Commission Act*, refer the plan to the Provincial Agricultural Land Commission [for approval]” (*Agricultural Land Commission Act*, 2002, c 36). These changes could further ensure local governments fulfill their long-range planning duties, minimize local government flexibility in their collaboration with the ALC, and introduce more consistent legislation.

The integration of provincial public priorities across jurisdictions could also be improved. According to Hanna (1997), “the present framework for the ALC provides basic integration with local planning and development regulation. But farmland preservation might benefit from a more formal role for the commission as an advocate for agriculture and farmland conservation with other agencies” (170). As such, the ALC has very little ability to influence government priorities and policy that impact farmland across the province and is not able to respond to differing approaches and inconsistent regulations. To improve farmland protection efforts, the ALC needs

to be given greater authority to work with a range of municipal and provincial groups to implement provincial public priorities across jurisdictions. Doing so would ensure farmland is accounted for and included in planning initiatives and give the ALC more formal long-range planning capacity.

#### 5.3.2 Implications for agricultural land use in Canada and other countries.

The results of this study also have implications for agricultural land use in Canada and other countries. Although the scope of this study focused on BC and the City of Kelowna, it revealed that farmland protection is highly dependent on the strength of the legislative framework. Other provincial and statewide programs should ensure that local governments are not the sole drivers of long-range planning.

#### 5.4 Limitations of the Research Design

This study aimed to ensure the methods used provided a valid and reliable analysis of the ALC's application process and its impact on long-range planning. It aimed to use documentation and selected interview participants based on experience and knowledge of BC's agricultural land use planning framework. There are, however, limitations of the research design and the choices made for gathering data from participants.

By only using in-depth semi-structured interviews, it was difficult to collect a large number of responses. Although a broadly distributed questionnaire, for example, would not have been appropriate in this setting, more responses would have helped better understand the application process and long-range planning duties and provided more confidence in the observed trends. Specifically, more responses from informants at the provincial level with current experience with the application process and with more recent knowledge of the ALC's operations could have provided a more in depth analysis of how the application process occurs in



practice. A longer time frame would have been necessary to speak with more planning professionals and identify any added conflicting opinions or factors affecting the ALC's ability to forward plan. Notwithstanding, the results reflect a diversity of opinion and do not impair the validity and reliability of collected results.

Informants were also limited by their particular professional experiences with the application process. For instance, limited access to the ALC meant Collins was the only current ALC staff I was able to interview. Collins is highly experienced in long-range planning but has less involvement in processing applications. Similarly, Steppuhn is a newer planner to Kelowna and was the only staff member I was able to interview. Although Informant 6 had extensive knowledge of application duties, they did not have regional experience in the Okanagan valley. Informant 9 did not have direct experience with the application process. Sawicki was limited in her responses by not having recent experience (aside from Bill 24) with the ALC and could best provide a high-level historical perspective. Green's interview was limited in time due to external factors and specific experiences with the AAC. Withler was also limited in his experience with long-range planning at the local level. Although all interviewees had very different interactions with the application process, their interview statements were generally consistent and reliable and did not significantly affect the validity of the results.

The interview guide also had some limitations. There are a variety of questions that could have been asked, or asked directly for a clearer response. For instance, the guide could have asked interviewees to directly define long-range planning, to provide more examples of different long-range planning initiatives, and to explain why they believe long-range planning is important. Following Collins' comments about the ALCA, the interview guide could have spent more time asking informants about their understanding of the ALCA. For instance, how do they

understand enforcement in the ALCA? What are the most important ALCA sections? How are the ALC's long-range planning duties outlined in the provincial legislation? The interview guide could have also directly asked about each interviewee's level of agreement with Richard Bullock based on the developed criteria. The guide could have included questions such as: Do you strongly agree, agree, or somewhat agree with Bullock's statement? Based on the following criteria, what statement best describes your level of agreement with Bullock? Limitations in the interview guide could have improved the reliability and validity of results by asking all interviewees the same direct questions about their understanding of the ALCA and level of agreement with Bullock's statement to better analyse Collins' responses.

Limitations with definitions are also present in this study. Since participants have experience with the application process and planning at different levels of government, they may have different understanding of certain terms used during the interviews. Interviewees, for instance, presented different understandings of what constitutes long-range planning and may have spoken in broad terms about their specific experiences. Specific limitations include more precise discussions about how the ALC engages in long-range planning, examples of successful long-range planning outcomes, and whether there are better alternatives to long-range planning. Although interview results provided generally reliable statements about long-range planning duties, a greater focus on defining long-range planning could have improved the validity and of interview results. Specifically, results discussing the benefits of more long-range planning initiatives could have been more detailed and precise.

The nature of the research also limited certain participants from answering direct questions about the ALC's effectiveness and giving their honest opinion of the application process. Due to recent legislative changes, agricultural land use and the ALC was a highly

politicised subject for planning professionals in BC at the time of the interviews and increased uncertainty about future applications. This study was carried out only a few months after Richard Bullock was dismissed from his position as Chair of the ALC leading to a significant amount of tension concerning this decision. Therefore, interviewees, specifically those in government positions, had to exercise caution when discussing the ALC and its application process. Although this study did not aim to focus on the responsibilities of specific positions and allowed informants to respond confidentially, there is still potential and incentive for informants to withhold their opinions about the ALC and application process. As such, professional limitations may have impaired the validity of results and reduced reliability due to a lack of detail in some instances of the discussion.

This study was also based on the opinions of planning professionals and is highly dependent on the context within which they were interviewed. It is not an accurate reflection of historical circumstances. Since this study took place following the introduction of new amendments to the ALCA (Bill 24), it is possible that interviewee opinions and assumptions about the ALC land use planning framework may change following its implementation. Since the recent amendments were contentious, it is possible that interviewees' responses do not reflect what is actually occurring due to the influence from recent circumstances. As such, it is difficult to validate results and ensure reliability of the data beyond the timeframe the study occurred.

There were also limitations with only using one site to analyse local agricultural land use planning. Although Kelowna has an interesting current and historical relationship with the ALC, it is not necessarily representative of all municipalities in B.C. Informants tend to have more knowledge of the ALC and have been involved in agricultural land use planning for a significantly longer amount of time than other sites. In addition, agriculture is an important

economic driver in the Okanagan region meaning that farmland and the ALC are relatively prominent in local planning processes. In addition, the amount of data available for ALC applications is limited. Using multiple sites would have given this study a greater understanding of the variability between local governments and their engagement in processing applications. A comparative analysis of Kelowna and a northern municipality, in particular, could have revealed significant information about different long-range planning initiatives and the level of collaboration between the ALC and local governments. This could have improved reliability of the data beyond Kelowna and the validity of the results.

## Chapter 6

### CONCLUSION

The *Agricultural Land Commission Act* (ALCA) has long been regarded as the foundation to one of the most progressive provincial legislative frameworks for long-term farmland protection of British Columbia's (BC) limited agricultural land base. There is concern, however, that agricultural land use planning in BC has become too focused upon and driven by the Agricultural Land Commission's (ALC) application process. Specifically, too much focus on BC's application process may, in effect, present significant barriers to long-range agricultural land use planning. According to Richard Bullock, former Chair of the ALC, too much prominence has been given to the application process and not enough to long-range planning. Through an evaluation of land use planning in the City of Kelowna, the results of this study indicate that there is validity in Bullock's statement but that there are significant legislative and political factors limiting the ALC's ability to long-range plan.

Bullock's statement is important because it links the application process to the ALC's ability to long-range plan. His statement challenges the essence of the ALC, the value of the application process, and the Commission's ability to fulfil its mandate for farmland protection. Implications include restructuring the ALC to do more long-range planning, and re-evaluating the current legislative framework for agriculture. Results of this study indicate that the ALR application process does not hinder long-range planning for farmland protection in BC; the current legislative framework hinders it. The dominance of the application process is a symptom of the existing legislative framework because the ALC is limited by the ALCA in its capacity to undertake a greater long-range planning role. These results can help guide future provincial amendments and caution against recent changes that may further intensify the effects of a few

legislative details that have the double effect of increasing the prominence of applications and constraining what long-range planning that the ALC can do.

#### 6.1 Future research

This study's analysis of Richard Bullock's statement was largely based on professional perceptions of the application process and existing long-range planning initiatives. While the analysis of their judgments is of merit, there is room for future research to further evaluate the application process and long-range planning practices in BC. This includes spatial analyses of past application decisions in Kelowna, comparative evaluations of similar administrative structures in North America, and policy evaluation of BC's ALCA.

Talen (1996) stated that more rigorous and empirically based plan assessment studies to verify existing data are essential to understand planning frameworks. For instance, an updated study based on the BCMA's (2008) study on the effectiveness of the ALC to protect farmland in Kelowna would be beneficial to further evaluate how the application process has affected the amount of farmland area and soil capability. The spatial analysis could overlay application year, application type, ALC decisions, and lot locations from ALC records with ALR boundaries to determine land totals for the amount of farmland included or excluded from the reserve and which lots have received what types of applications and the total amount of land affected. Greater data on the application process and would be beneficial in helping policy makers identify areas with vulnerable farmland and design better policies and initiatives for protection.

Future studies can also follow Alterman's (1997) approach and use this analysis as a basis for comparative evaluations of similar administrative structures. This study allows future researchers to contrast the application processes of existing agricultural land use planning frameworks. In North America, for instance, the US state of Hawaii also has application

processes for agricultural land and could be used to assess a government's ability to engage with land use control and discuss variations in administrative structures (Lowry 1980). A comparative evaluation could help establish 'ideal' planning structures and discuss the most effective administrative conditions.

A future study could also focus on more detailed policy recommendations and legal analysis of BC's ALCA. Legislative limitations of the ALCA are one of the greatest barriers to the ALC's ability to long-range plan and deserve greater analysis. This study has identified that the way the ALCA is written is an issue and future studies could structure their evaluation of the legislative framework using a legal assessment study. Doing so could draw awareness to certain ambiguities, inconsistencies, and legal limits in the regulatory framework (Lowry's 1980). Furthermore, a legal study of the ALCA could also follow Cavendish-Palmer's (2008) framework to determine varying policy recommendations to strengthen existing legislation.

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## Appendix A: Participant Consent Form



### Information Letter / Consent Form

April 15, 2015

#### **Farmland Protection in British Columbia: An Evaluation of the Agricultural Land Commission's Application Process and its Impact on Long-Range Agricultural Land Use Planning**

**Project Lead:** Lou-Anne Daoust-Filiatrault  
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This research is part of a graduate thesis as required for the University of Northern British Columbia's Master of Arts Degree in Natural Resource and Environmental Studies.

#### **Project Sponsor (*if applicable*):**

The study is funded by the Social Science and Humanities Research Council Insight Grant.

#### **Purpose of Project**

The purpose of this research is to evaluate the extent to which the ALC has become too focused upon its application process and not enough on long-range planning. Although this policy has long been regarded as one of the most progressive provincial frameworks in North America, there is concern that it has become too focused upon and driven by its application process. For instance, Richard Bullock, Chair of the ALC stated in his 2010 Review of the ALC: "[...] too much prominence has been given to the application process and not enough to long range planning" (54). To evaluate this statement, I am using the City of Kelowna as a focus to gain a greater understanding of the amount time, effort, importance, and attention spend on reviewing applications, the extent to which local governments are actively engaged in processing applications, and the potential benefits of dedicating more time to long-range planning.

As part of this study, I am asking informed people like yourself to participate in a phone or in-person interview that will take about 45 to 60 minutes. The interviews aim to only collect personal opinions and participants will not be speaking on behalf of their organizations. You have been identified as a person with knowledge of agricultural land use planning in your geographic area. Your participation in this interview is completely voluntary and you may withdraw your participation at any time during the project without penalty or risk of any kind.

You may choose to answer only the questions you are comfortable with. Should you choose to withdraw then your information will also be withdrawn and destroyed.

### **What will happen during the project?**

If you agree to take part in the interview, you will be asked a series of questions about the ALC's application process. This interview will focus on three central themes:

1. The benefits and constraints of the application process
2. Aspects of the ALC's long-range planning duties
3. The level of agreement with Bullock's statement.

The main purpose of this interview is to obtain feedback on your role with the ALC's application process. I will also ask that you will be able to verify some essential facts and provide additional information where there are gaps.

### **Risks or benefits to participating in the project**

Given the descriptive nature of the data we are collecting for the case studies, I believe that the risk to participants is very low. The purpose of this research is to evaluate the extent to which the ALC has become too focused upon its application process and not enough on long-range planning, as opposed to the ability of any particular person in fulfilling their position. It is possible, however, that some information collected about application decisions will reflect poorly on a particular person. In these circumstances, as it is not my intention to focus on the responsibilities of specific positions, I will not name the affected people or positions. As well, participants have the option of keeping their responses confidential.

It may also be possible for participants to be identified due to the number of employees in the organization. If this conflict arises, participants may also request that their names, positions, or responses remain confidential. It must be noted, however, that anonymity may not be guaranteed.

Taking part in this study may not directly benefit you. However, in the future, others may benefit as it contributes to an on-going national study aiming to formulate policy recommendations for agricultural land use planning at the national level. Furthermore, the results of this work can help inform future provincial policy changes to the ALC and provide a basis for comparative evaluation of similar administrative structures.

### **Confidentiality, Anonymity and Data Storage**

Your anonymity will be respected. Information that discloses your identity will not be released without your consent. All information you provide will be recorded, with your consent, by written notes and/or by audiotape. The information collected will be stored electronically on my laptop and will be secured by passwords. Data will be inputted into the qualitative analysis program NVivo but will not include any personal information, as it is a foreign-based analysis program. Only my supervisor and myself will have access to this data. You may choose not to have your interview results inputted in this program. In addition, all data will be destroyed within ten years by either physical destruction (e.g., shredding) or deletion from electronic memory.

### **Study Results**

The results of this study will be reported in a graduate thesis and may also be published in journal articles and books. I can provide you with the results of the study via email. A summary report will also be posted on the project website at <http://blogs.unbc.ca/agplanning/>.

### **Questions or Concerns about the project**

If you have any questions about what I am asking of you, please contact me directly or my supervisor, Dr. David J. Connell at 250-960-5835 or by e-mail at [david.connell@unbc.ca](mailto:david.connell@unbc.ca). If you have any concerns or complaints about your rights as a research participant and/or your experiences while participating in this study, contact the UNBC Office of Research at 2509606735 or by e-mail at [reb@unbc.ca](mailto:reb@unbc.ca).

### **Participant Consent and Withdrawal**

Taking part in this study is entirely up to you. You have the right to refuse to participate in this study. If you decide to take part, you may choose to pull out of the study at any time without giving a reason and without any negative impact on your position.

#### **CONSENT**

I have read or been described the information presented in the information letter about the project:

YES                      NO

I have had the opportunity to ask questions about my involvement in this project and to receive additional details I requested.

YES                      NO

I understand that if I agree to participate in this project, I may withdraw from the project at any time up until the report completion, with no consequences of any kind. I have been given a copy of this form.

YES                      NO

I understand that only Lou-Anne Daoust-Filiatrault and Dr. David J. Connell will have access to the data collected during these interviews.

YES                      NO

I agree to be audio recorded.

YES                      NO

I agree that my name can be used.

YES

NO

I agree that my professional position can be used.

YES

NO

Follow-up information (e.g. transcription) can be sent to me at the following e-mail or mailing address:

YES

NO

I would like to obtain a copy of the final graduate thesis and any other resulting publications at the following e-mail address:

YES

NO

Signature (or note of verbal consent):

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Name of Participant (Printed):

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Date:

---



## Appendix B: Sample of Interview Questions

### Part A: Aspects of ALC's long-range planning duties

1. How often do ALC members collaborate with local governments?
  - a. In what ways are they collaborating?
  - b. Can you give an example of how the ALC has collaborating with local planning staff in the city of Kelowna?
  - c. Do you think the ALC should spend more or less time on these reviews?
2. To what extent do you believe applications are deterring from the ALC's mandate to support local agricultural land use planning? *[engage in discussion about why they believe this]*
3. How involved is the ALC in helping create and/ or update the existing local planning legislation?
  - a. Which specific documents did the ALC help with?
  - b. To what extent is the ALC involved?
  - c. How often did local planning and ALC staff meet?
2. How important do you think it is for the ALC and local governments to work together in preparing municipal land use planning documents?
3. What do you suggest might be done to improve how the ALC and local governments work together?

### Part B: Constraints and Benefits of the Application Process

4. First, could you please let me know what is your role in processing applications?
  - a. At what stage in an applications progression do you receive it, what are your duties in moving it forward?
  - b. Approximately how many applications do you receive per year?
  - c. What is the most common type of application you receive? What is the general outcome for these types of applications (allowed, allowed with conditions, or refused)?
5. How much time do you believe the ALC, as a whole, spends on reviewing applications, e.g., too much or not enough?
  - a. What is the role of applications in their day-to-day duties?
  - b. Do you think the ALC should spend more or less time on these reviews?
  - c. How might the ALC make the best use of their time in the review stage?
6. How engaged do you believe the local government is in processing applications?
  - a. How many applications are refused at the local level before they are sent to the ALC?

- b. What do you think the role of the local government should be in land use planning decisions?
- 7. To what extent do you believe city politics influences the application process?
  - a. Are individual municipal staff members influential in ensuring the application process is followed thoroughly?
  - b. Are there instances of disagreement concerning the interpretation of provincial or municipal law during application decisions?
  - c. Are there any incentives you can think of that would encourage approval of non-farm uses, subdivisions, or exclusions?
- 8. What types of resources does the ALC provide municipalities to process applications?
  - a. Does the ALC specify how its mandate should be interpreted?
  - b. What resources do you believe the municipality is missing and that the ALC could provide?
- 9. Do you believe the application process is successfully limiting certain activities on land within ALR boundaries?
  - a. Are landowners generally compliant with ALR boundary restrictions and previous application decisions?
  - b. How does the application process influence the way ALC or local governments deal with existing activities on ALR uses—is it limiting in any way?
- 10. Are there instances of “land swaps”? That is, are there inclusions of land in other jurisdictions to justify non-farm uses or exclusions within ALR boundaries?
  - a. If so, how do you think this affects the land base?
- 11. Overall, what do you believe are the most beneficial aspects of BC’s legislative framework and specifically the application process that helps protect farmland?
  - a. Do you believe farmland is effectively being protected under the current framework?
  - b. In what ways, if any, do you think the legislative framework could be changed?

<b>Part C. Level of Agreement with Bullock’s Statement</b>
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- 4. With regard for what you know and everything we have discussed so far, what are your overall thoughts about Bullock’s statement about spending too much time on applications and the aim to spend more time on working with local governments on agricultural land use planning.
  - a. Is it possible to minimize the role of applications within the current legislative framework?
  - b. Would having the ALC spend more time working with local governments on agricultural land use planning help to protect farmland?