

Executive Summary

The Agricultural Land Reserve (ALR) was set up by the BC provincial government in 1973 to protect agricultural lands from development. The reserve is administered by the Agricultural Land Commission (ALC) which oversees applications to subdivide land within the ALR, conduct non-farm uses on ALR lands, as well as including or excluding land from the reserves. This paper focusses on the exclusions of land from the ALR, particularly the evaluation of exclusion applications. The ALC has no set evaluation criteria, but rather a list of "considerations" it takes into account. This process allows the commission the flexibility of dealing with each application on a case-by-case basis. The paper addresses the implications of this system, and tries to determine whether some of the "considerations" of the ALC are determining factors in the success or failure of an application. In doing so, the paper attempts to derive a list of characteristics common to successful applications, and similarly, characteristics of refused applications. Furthermore, the paper concludes by recommending possible alternatives which might address some of the negative implications of the evaluation method used by the ALC.

In order to address the research questions posed in this report, a case study analysis was undertaken, using 10 refused and 10 approved applications for exclusion from the ALR by private land owners. The cases were randomly selected from a list of exclusion applications heard for the first time and decided in 1995. In addition, applicants, council members, members of advisory planning commissions and government officials were interviewed to help determine a public perception of the evaluation process. ALC legislation, regulations, policies and documents were also used to examine the ALC's process of decision-making.

A variety of aspects of the 20 case studies were examined to determine whether there were any consistencies in the decision-making process. Preliminary analysis indicated that

compatibility with the official community plan (OCP), local government recommendations (especially when the government recommends refusal), and proposals seemingly compatible with surrounding land uses appeared to produce fairly consistent results within the case studies. Agricultural capability ratings did not appear to be a factor initially, although high agricultural capability was frequently used as a rationale for refusal in letters to land owners whose applications were turned down.

While lists of characteristics common in approved applications and refused applications were made, there were inconsistencies when the two were compared. For instance, some of the refused applications incorporated some of those characteristics common to successful applications, while some applications which were approved included characteristics associated with refused applications. These inconsistencies are interpreted as a reflection of the evaluation method used by the ALC, which allows the commission to take into account "extenuating circumstances" as well as emphasizing whatever factors it considers important in each particular case. This inconsistency, however, results in uncertainty and at the very least, the perception of unfairness in the public eye, which was reinforced by the findings from interviews with people familiar with the ALC process. Interviews resulted in a wide range of beliefs as to what the ALC considers as determining factors in its decision making process. Such uncertainty possibly encourages more people to apply for exclusion, as there is no certainty of failure. Conversely, a process which identifies the ALC's key considerations may be associated with fewer applications, and a greater confidence in the process and the consistency and fairness of that process. Some of the key considerations could also be dealt with at the municipal level, with refusal of applications at this stage if they, for instance, were not compatible with the local OCP (if that was one of the ALC's key considerations). Similarly, forwarding only those applications which received support,

or without comment (not forwarding applications which the council recommends refusal), may be another option which makes the guidelines for evaluation more explicit, and consequently reduces the ALC's work load.

Finally the report concludes that the ALC's perception of the role of the ALR needs further examination. While the ALR was originally formed to preserve agricultural land for the production of food for the province, an increasingly global market and intensified farming practices which have increased production on smaller tracts of land, may reduce the need for protection solely for these purposes. Preservation of agricultural lands can also be used to protect recreation and amenity values of rural lands, to provide a buffer between land in agricultural production and urban uses, and as a component of growth management strategies. Because each of these rationales for agricultural preservation has its own implications for how exclusion applications should be evaluated, perhaps an examination of why agricultural land is being preserved almost 25 years after the reserve's creation, is necessary to improve the exclusion application evaluation process.