REGULATING URBAN ENCROACHMENT ON AGRICULTURAL LAND: 
A STUDY OF THE RELATIONSHIP BETWEEN SMALL MUNICIPALITIES 
AND THE BRITISH COLUMBIA AGRICULTURAL LAND COMMISSION

by

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B.A., Reed College, 1965

A THESIS SUBMITTED IN PARTIAL FULFILMENT OF 
THE REQUIREMENTS FOR THE DEGREE OF 
MASTER OF ARTS 
in
THE FACULTY OF GRADUATE STUDIES 
School of Community and Regional Planning

We accept this thesis as conforming 
to the required standard

THE UNIVERSITY OF BRITISH COLUMBIA 
OCTOBER 1981

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This is a study of the involvement of small municipalities with the British Columbia Agricultural Land Reserve (ALR) system. The analysis focusses on how the system operates to resolve differences between the province and localities over use of agricultural land. Case studies of five municipalities are presented. The thesis concludes that municipal priorities in use of designated agricultural land have usually prevailed, sooner or later, through operation of Reserve system procedures.

Part I develops the implications of the ALR system, established in 1973, for small communities. On one hand, the Provincial Agricultural Land Commission (PALC) was mandated to slow the conversion of agricultural land to urban uses, and was impowered to exercise a form of zoning control for this purpose even within municipal areas. On the other hand, municipal governments with different priorities, such as creating new housing or industrial space, have typically wished to continue patterns of conversion of the agricultural lands within which they are situated. The Reserve system includes procedures, such as block exclusion applications, through which local governments can seek to have ALR land converted to urban purposes.

Chapter 1 raises four questions about the experience of small municipalities with these procedures:

1. Are outcomes reasonable in the local situation?
2. Do small municipalities play an active and significant role in the process of deciding applications?

3. Is the ALR system subject to "regulatory capture" by municipalities?

4. Does "official community planning" supplement the formal Reserve system as a means of resolving provincial-local conflicts over use of agricultural land?

Chapter 2 outlines the procedures and policies of the PALC for dealing with municipal applications and community plans.

In Part II, case studies are reported for the municipalities of Keremeos, Armstrong, Salmon Arm, 100 Mile House and Merritt. In each case, all municipal transactions with the PALC from 1974 to 1979 are described. Information was obtained from Commission files, supplemented by interviews, site visits and local files. Community plans are also reviewed for their stance toward Agricultural Reserve land.

Part III summarizes the experiences of the five municipalities and draws conclusions. Outcomes of municipal-PALC relations are found to have been "reasonable" for the localities, inasmuch as the PALC has ultimately acceded to most exclusion applications, and these decisions have caused no evident "hardship" to local interests. The procedures suited the needs and resources of small municipalities well. Indeed, there is some indication of "capture" of the PALC and cabinet in the general success of initiatives from regulated communities. Community planning has rarely served as a means of resolving provincial-municipal differences, since the PALC has played a passive and pro forma role in
assuring that the provincial interest in agricultural land preservation is expressed in key sections of plans which designate future land uses.

The final chapter reflects on the implications of these findings for the balancing of provincial and municipal interests within the existing regulatory framework. Procedural changes are suggested which would offset factors which have tended to tilt the balance in favour of municipal preferences in this sector of the British Columbia agricultural land use regulatory regime.
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I would like to thank the municipal officials and consultants who talked with me about their experiences with the Land Reserve system, particularly John Cornelissen, Leo Den Boer, Mayor M. Kirton, John Lainsbury, Stuart Lawrence, Ron Mann, Mayor Ross Marks, Mayor Frances Peck, Tony Pellett, Gordon Petersen, Michael Rosen and John Sutherland. I would also like to thank Sue Austen and Rose Langston of the Agricultural Land Commission staff for their invaluable assistance and Professor Brahm Wiesman for good advice and great patience. Canada Mortgage and Housing Corporation provided financial assistance.

The completion of this project owes much to the support and confidence of M.W.G., M.B.A., L.F., B.M., and J.T.A.
INTRODUCTION

This thesis describes those workings of the British Columbia Agricultural Land Reserve system which most directly involve municipal governments with the Agricultural Land Commission in "shared decision making." When it was established by the Land Commission Act of 1973, the British Columbia provincial Agricultural Land Reserve system was unique in North America.¹ The system's major aim was to slow the loss of scarce provincial food producing lands to urban development. To do so, the system removed certain local government powers over land use and placed them in the hands of provincial authorities. The system is comprised of provincial zones, called Agricultural Land Reserves, and procedures for provincial control over the use, inclusion and exclusion of land from the zones by a provincial Agricultural Land Commission and the provincial cabinet. Following legislative changes in 1977, municipal land use planning has become an important accretion to the system.

The major impact of the Reserve system has been at the boundaries where town and country meet. ... where growing communities impinge upon the neighbouring farmland.²
This impact has been felt not only in metropolitan areas but in the smaller urban centres of the interior, where municipalities found their developable land incorporated into the Reserves and thus set aside for agricultural use only. The system incorporates procedures whereby landowners, local governments and other entities can seek adjustments to Reserve boundaries and to regulations in order to accommodate development. More recently, municipal land use planning activity has provided another potential forum for sorting out these interests in agricultural land. Both the application process and community plans involve relations between the province and municipal governments in which different levels of public and private interests are articulated and resolved within a context of governmental land use decisions, policies and planning.

The thesis investigates the operation of the Agricultural Land Reserve system as it involves small municipalities through the exclusion application process, and how community plans have dealt with the Reserves as a fact of life. The investigation is limited to non-metropolitan municipalities of the British Columbia interior, whose development opportunities have been significantly narrowed by the establishment of the Reserve system. The institutional environment for municipal exclusion applications is comprised of the application procedures mandated by the Agricultural Land Commission Act and regulations; substantive issues reflecting Land Commission and other provincial policies; the Commission's
procedural norms; and, recently, community planning. The investigation focusses on the experience of five small municipalities selected as case studies, and their experience with this institutional framework.

NOTES

The British Columbia Provincial Agricultural Land Commission is abbreviated in these notes as "BCLC" according to the style of the document cited.


PART I

ISSUES, METHODS AND CONTEXT
CHAPTER 1

MUNICIPAL-PROVINCIAL RELATIONS UNDER THE
AGRICULTURAL LAND RESERVES: ISSUES AND CASES FOR RESEARCH

1.1 Conserving Agricultural Land: The Shift from Local to Provincial Land Use Regulation

The aim of the British Columbia Agricultural Land Commission Act of 1973\(^1\) was to slow the rate of farmland conversion to urban uses. Institutions established by the new legislation were intended to slow the conversion process to a carefully controlled rate. . . . Land would not be locked into farmland reserves forever, and exclusions [to allow urban development] would be made as conditions changed.\(^2\)

Such a system required a means for removing land from the farmland reserves as deemed necessary.

The conversion of farmland to urban uses had been proceeding apace under traditional local government land use controls.\(^3\) The major intention of the approach taken by the British Columbia government in its 1973 legislation was to remove agriculturally capable land from the exclusive control of local governments. Local governments could not be expected to rate the preservation of foodlands very high among their priorities, and programs to deal with the loss of agricultural land had foundered on "pressure [on local jurisdictions] to change zoning."\(^4\) So the new legislation
established provincial agricultural use zones, presided over by a provincial, not local, agency.

The mechanism established by the Agricultural Land Commission Act to oversee such land use changes was comprised of (1) land zoned by the provincial government exclusively for agricultural and other compatible uses, the Agricultural Land Reserves; (2) land use and subdivision control within the Reserves by a provincial Agricultural Land Commission and the provincial cabinet; and (3) a set of procedures available to land owners, local governments, and others, for seeking the removal or exclusion of land from the Reserves, permission to subdivide Reserve land, or permission for non-farm uses of Reserve land. The Reserve system gives formal land use control to a provincial agency and the cabinet, but municipalities have a tangential but potentially significant role where they feel their interests to be affected.  

The intervention of the provincial government to supersede traditional local government powers implies considerable differences between the concerns of the province set out in or implied by the Act and the interests of local areas as interpreted by municipal councils and regional district boards, the two "levels" of local government in British Columbia.

The Reserve system is in some respects an extension of the sectoral land use policies which have been pursued by most Canadian provinces. Sectoral policies rest on provincial constitutional prerogatives and to some extent on the
bureaucratic interests and power of provincial government line departments. This policy making style has been much resented at the local level, especially in rural areas, where a different set of concerns is the norm, where many sectoral policies have had their biggest impacts, and where real collisions between provincial and local interests have often occurred. 8

1.2 The Effect of the Reserves on Land for Urban Development

Since the Reserves were established in 1974 and 1975, many municipalities have formally sought to change the use of Reserve lands or to remove land from the Reserve. Through October, 1979, at least one-third of the municipalities in British Columbia had undertaken their own block exclusion applications to have land removed from the Reserve. 9 "Block" exclusion applications are those made by local governments rather than private persons. The implication of the term, used by the Commission, is that the land involved is a substantial area, not a single parcel. In addition, municipalities have make block appeals to the Commission for permission to use Reserve land for various non-farm, public interest purposes.

The immediate effect of the creation of the Reserves was to reduce the supply of land for urban development. Because the legislation did not affect any factors related to demand for urban land, some observers expected a gradual erosion of the Reserves at the interface between urban
development and Reserve land, an outcome not at odds with the aims of the legislation. This would occur in response to pressure for urban development operating through political pressure, or the expectation of political pressure, on the Commission and the cabinet. At best, the Commission might achieve an orderly process of urban growth. These expectations were countered by those who hoped that the efforts of the Commission to establish the Reserves as a fact of life would persuade developers and municipalities to consider other alternatives than agricultural land as sites for urban development. Some wanted the Commission to take an active stance to encourage alternative sites and modes of development.

The persistence of urban demand for agricultural land and the municipal response to this demand is illustrated by the comments of the former general manager and chairman of the Commission, Gary Runka, made in 1980. He was critical of municipal politicians who continue to pursue the development of Reserve lands. According to a recent commentary by Mary Rawson, a former member of the Commission, demands for the development of Reserve lands arise from "the very poor use of so much urban land." Continued demands for the right to develop Reserve lands are likely to receive support from municipal councils.

1.3 "Shared Decision Making"

The British Columbia Agricultural Land Reserve system has sectoral aims, but it makes explicit provision for input
from local governments. Municipalities and regional districts can apply to the Provincial Agricultural Land Commission to have land removed or excluded from the Reserves for development and non-farm use. Local governments may also comment on private applications for exclusion or non-farm use. When the Reserve boundaries or plans were first established, local governments made proposals for the areas to be included.

Over the years, the Commission has referred to the "shared" nature of the decision making and land use policies established for the Reserves. While this may have begun as a tactical response to the objections raised by municipalities to the removal of their exclusive powers over land use, the Commission has continued to assert the importance of jointly arriving at land use policies and decisions concerning Reserve lands. For example, the Commission stated in 1975:

The establishment of the Land Commission was in response to a clear need for shared decision-making in the land planning process. It was only through the spirit of co-operation which emerged from the joint efforts of the general public and local, regional and provincial governments that the ALR's [Reserves] were established in so short a period of time. The Commission will continue to encourage such participation in the ongoing administration of the ALR.

The need for shared decision making was reaffirmed in the Commission's Annual Report of 1977. In this Report and other documents, the Commission has stressed consideration of local government input such as "up-to-date [local] information" and "local government regulations and concerns."

The formal municipal exclusion and use application procedures ensure that municipalities, and their interests, are involved in the process and that their values are
represented. Additionally, municipal concerns are given legitimacy in the Commission's criteria for evaluating applications: the issues of urban need or demand, community objectives, and local public interest. (Chapter 2 details these issue areas.) Issues such as these are capable of wide interpretation.

The Commission and the provincial Ministry of Municipal Affairs have extended the notion of shared decision or policy making into the area of community planning. Planning legislation, embodied in the Municipal Act, requires that municipal plans include appropriate policies for Reserve lands, policies which conform to provincial objectives. Both Commission and Ministry have urged municipalities to consult with the Commission and to include appropriate policies for the Reserves in their community plans. From the point of view of a recent chairman of the Commission,

Perhaps the most important event now underway in many areas of the province that will determine land use in the 1980's and far beyond, is the development of official community plans and settlement plans.\(^{18}\)

The content of these plans, whether conforming to Commission policies or not, may of course have little impact on future development of Reserve lands unless the plan policies are the result of local commitment.\(^{19}\) The Commission has adopted the goal of determining the use of Reserve lands inside municipalities in some measure jointly with municipalities.
1.4 The Reserve System as a Regulatory System

The regulatory nature of the Reserve system implies certain normative expectations on the part of the government and the public, and also suggests potential problems in fulfilling those expectations. These expectations and problems have a direct bearing on the ability of the Reserve system to balance provincial and local interests.

The goal of any regulatory program is to protect important public interests that would not otherwise be considered. In the case of the Reserve system, these interests are provincial concern to preserve agricultural land. The establishment of administrative bodies like the Commission with regulatory functions has arisen out of the desire of governments to remove themselves from making decisions involving private rights and other conflicting interests by "a partial insulation of decisions from shifts of government policy and from the pressure of private interests." In such situations, the resulting institution often has judicial functions regarding private property rights, which it carries out within a general policy framework established by the legislature. Procedural characteristics tend to include making decisions in an "open and public manner. . .which the agency will attempt to substantiate through the development of rules and precedents." These agencies are often expected to "defend the public interest against sectional interests" both by "protecting public policy positions against powerful interests. . .and. . .by holding the ring fairly among the discernible interests themselves."
In theory a regulatory system presided over by an independent body is one where decisions are made in the public interest based on sound technical information free from political pressure or special interest influence. This ideal is held by the Commission. However, in the more complex field of economic regulation, North American research has shown a pervasive tendency for such regulatory agencies to be captured by the groups or persons whose activities they were established to regulate. Various reasons suggested for this phenomenon include the locus of necessary technical information and other resources with the regulated parties, uncertainties in the technical basis of regulation, the absence of countervailing views in the regulatory process, the ability of the regulated to refuse consent and to use time as a weapon, and the position of the regulatory agency as a special interest among others willing to bargain and compromise.

Frank Popper, writing in 1974 about the shift of land use controls from the local to state level in the United States, predicts capture of newly established state-level regulatory institutions. He argues that the absence of land use regulation from the literature on regulatory capture is due to its relatively recent arrival on the state and federal regulatory scenes. He points out that shifting the locus of decision making to the state level may confirm the relative strength of interest groups, powerful locally, who are also likely to be able to press their points of view at the senior
government level. 26 One of the functions of Canadian local governments has been to press provincial governments on behalf of local concerns, sometimes with the aim of fiscal assistance or land use related policy changes. 27 Another observer of the United States land use regulation scene notes the "political power of local governments in the states", whatever the constitutional position of local governments vis-a-vis the states. This political power is often supported by other interest groups "dependent on local planning and zoning arrangements" who stand to lose when jurisdiction is shifted to senior levels of government. 28

Land use and development control of lands in the Reserves, the function of the Reserve system and Commission, can be viewed as a version of economic regulation where the substantive issues are less complex and the regulated entities perhaps less powerful and more fragmented than is the case with economic regulation in the United States or Canada. The Commission has access to technical assistance and is not at the mercy of applicants for information, but a clearcut correct decision may not be easy to reach. Where facts do not lead to a simple decision, the dynamics of the regulatory process are important to the decision, and the possibility of capture cannot be ruled out. Access to the Reserve system for local governments is assured, and the outcome of their block applications may well depend on their political weight, the independence of the Commission, and the actions of other interested parties.
1.5 The Small Town Environment

Most of the over 11,000,000 acres of Agricultural Land Reserves are located well away from urban development. However, the topography of British Columbia ensures that virtually all urban settlements other than mining or logging towns are located on the valley or other lands comprising the province's scarce farmland.\(^\text{29}\) The Reserve around many municipalities was initially established at some distance from existing development to permit expected urban growth during the following five years or so. However, smaller municipalities found much of their developable land area included in the Reserves.\(^\text{30}\) As their populations grew, the consequent demand for development sites could not be satisfied by the much reduced supply of land remaining outside the Reserves. Most valley towns are now imbedded in the Reserves.

Small towns have relatively limited administrative and technical capabilities and modest, inflexible revenue sources. Typically, their capital expenditures are large compared with revenues, or else they do without the kinds of public, or private, facilities larger centres take for granted. Utility requirements, such as new community sewage disposal facilities, have a high capital cost which small towns may find it difficult to amortize with slow growth relative to the system's extent. Major development proposals, whether employment generators or residential or commercial uses, are likely to be few and far between and
large compared with the local trend of economic growth and land development. Small size means there are few alternative sites available for major projects. Many smaller towns with apparent though limited infill sites cannot be sure such land will be placed on the market. The sum of these conditions is a favourable orientation toward growth and individual development proposals. Attitudes toward planning and development control are not favourable. This is the result of experience with provincial-level planning and the regulatory nature of much land use policy in the past, in the environment described above of limited growth opportunities.

To summarize, small municipalities are likely to have limited resources, to favour growth, to be dependent on outside forces for major development proposals, and to resent planning and development controls. Development trends are difficult to predict in such an environment. How, then, do small municipalities, with their limited resources and development sites and their stop and go development trends, fare in the regulatory environment of the Reserve system?

1.6 Overview of Municipal Contact with the Reserve System

Although there have been a large number of municipal block exclusion applications, involving at least one third of the province's municipalities, the number related to urban development has been in decline since 1975. Included in the category of urban applications are those made by regional districts in connection with their urban settlements
or on behalf of municipalities for urban purposes. Similarly, the acreage requested in these applications has declined. The decline occurred both for all urban-related applications and for those applications related to smaller urban settlements and municipalities of under 10,000 population.\(^{32}\) Figures 1 and 2 illustrate these downward trends. The figures also show the increasing match in terms of acreage requested and excluded between the block applications made by local governments and the cabinet decisions.

Cabinet has generally concurred with the Commission recommendations on municipal and other urban related block exclusion applications. (See Table 1.) In the case of urban block applications related to municipalities and settlements of less than 10,000 population, only one application out of forty-six has received cabinet approval contrary to Commission recommendation.

The large number of applications and high acreage involved in 1975 applications were the result of what the Commission has referred to as "fine tuning" the newly designated Reserve boundaries.\(^{33}\) The increase in the number of applications decided and in the acreage excluded in 1977 might be explained as local government optimism in response to the election of a new government thought to be less sympathetic to the Reserve system concept. The government changed in December, 1975, and the Commission appointed by the former government was retired in October, 1976. Decisions on many applications made during 1976 and in response to the
FIGURE 1

NUMBER OF URBAN BLOCK APPLICATIONS AND
NUMBER WHERE ACREAGE REQUESTED WAS EXCLUDED,
1974-1979

<table>
<thead>
<tr>
<th>Year</th>
<th>All Urban Applications</th>
<th>Urban Applications, Places with Population under 10,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>74</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>75</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>76</td>
<td>15</td>
<td>3</td>
</tr>
<tr>
<td>77</td>
<td>20</td>
<td>4</td>
</tr>
<tr>
<td>78</td>
<td>15</td>
<td>2</td>
</tr>
<tr>
<td>79</td>
<td>10</td>
<td>1</td>
</tr>
</tbody>
</table>

FIGURE 2

ACREAGE REQUESTED AND EXCLUDED, URBAN BLOCK APPLICATIONS
1974-1979

All Urban Applications

Urban Applications,
Places with Population under 10,000

SOURCES: British Columbia Provincial Agricultural Land Commission,
Statistics 1978 and Statistics 1980 and staff; Statistics Canada, 1976 Census
of Canada, Catalogue 92-805, table 3.
<table>
<thead>
<tr>
<th>Decision Year</th>
<th>Acreage Requested</th>
<th>Acreage Excluded</th>
<th>Number of Applications</th>
<th>Cabinet Decision Differs from Commission Recommend.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Commission Recommend.</td>
<td>Cabinet Decision</td>
<td>Total</td>
</tr>
<tr>
<td>1974</td>
<td>1,489</td>
<td>536</td>
<td>526</td>
<td>4</td>
</tr>
<tr>
<td>1975</td>
<td>13,458</td>
<td>3,384</td>
<td>3,592</td>
<td>20</td>
</tr>
<tr>
<td>1976</td>
<td>5,150</td>
<td>1,314</td>
<td>1,939</td>
<td>19</td>
</tr>
<tr>
<td>1977</td>
<td>4,563</td>
<td>3,459</td>
<td>3,599</td>
<td>17</td>
</tr>
<tr>
<td>1978</td>
<td>1,871</td>
<td>756</td>
<td>811</td>
<td>16</td>
</tr>
<tr>
<td>1979</td>
<td>2,283</td>
<td>733</td>
<td>738</td>
<td>8</td>
</tr>
</tbody>
</table>


NOTE: "Urban Block Applications" include urban-related applications from municipalities and regional districts but not applications generated by fine tuning boundary reviews which are rural in nature. See note b, Table 3 for description of fine-tuning reviews.
change in Commission membership would have been made in 1977 at the earliest.

In late 1977, changes in the Agricultural Land Commission Act made it easier for disappointed private exclusion applicants to appeal to cabinet. This legislative change may have reduced the number of municipal block applications made on behalf of private owners, who now had another route to a cabinet hearing.

Overall, the situation described by these data is one of an increasing concurrence between the position taken by the Commission (and ultimately cabinet) in its recommendation and by local governments in their urban related applications.

1.7 Summary and Questions for Analysis

The 1973 retrieval of land use powers from local governments by the British Columbia government, in support of the provincial sectoral policy aim to conserve agricultural land, is in line with moves elsewhere in Canada during the past decade.\(^{34}\) The means chosen to carry out provincial policy toward agricultural land are primarily regulatory, resulting in a reduced supply of land for urban uses without affecting the demand. In these circumstances, the sectoral focus of policy and continuing demand for urban land could be expected to generate conflict between the aims of the Provincial Agricultural Land Commission and municipal governments. The Agricultural Land Reserve system provides
formal means for adjudicating such disagreements by adjusting Reserve boundaries in what is ideally a shared decision process between municipalities and the province.

Many small interior municipalities, often especially vulnerable to the swings of provincial resource and land policies, have become involved in the procedures of the Reserve system. A review of block applications for exclusion of land from the Reserve through 1979 shows that those from small municipalities and urban settlements of under 10,000 population have declined in number and acreage over the years while land excluded as a result of these applications has come to match more closely the acreage sought by the municipal applicants.

The statutory process of block exclusion applications made by small municipalities is distinctive in the area of sectoral, intergovernmental land use policy because it gives municipalities a potentially significant role. Several aspects of the Reserve system emphasized here have implications for the ideal of shared decision making between provincial and small municipal governments.

The sectoral focus of provincial agricultural land policy, provincial constitutional prerogatives, and the regulatory, hierarchical nature of the Reserve system may interfere with the notion of shared decision making. Local interests could receive short shrift when they conflict with provincial concerns with agricultural land. The Reserve system as an approach to sectoral land use policy could
focus on agriculture to the detriment of legitimate trade off with other locally important uses. The Commission, as regulatory agency, could experience some form of "capture" by the groups, such as local governments, whose activities it was established to control for the public good. The potential for capture by participating municipalities seems limited by the relatively straightforward nature of the issues involved and apparent power of provincial institutions. However, the Commission or cabinet may find it difficult to make trade offs on purely substantive grounds, thus allowing scope for other factors to bear on application decisions.

Small municipalities, with limited resources, could be at a disadvantage in joint decision making through the exclusion application process and community plan preparation. The nature, scale and pace of small town development might make trade offs easier with respect to single projects, but make trends more difficult to evaluate with respect to overall urban land needs in the near and medium term.

Community planning might provide scope for making jointly determined policies in a more comprehensive context compared with the site-specific, agricultural focus of block exclusion applications. Such an approach would be a useful adjunct to the formal regulatory functions of the Reserve system. However, community plans also might rationalize a return to the traditional holding function for agricultural land zoning.
In view of these factors and their possible implications, and the growing congruence between local government applications and Commission and cabinet decisions, the questions set out below are explored:

1.7.1. Reasonable Outcomes

Are the outcomes of block exclusion applications made by small municipalities reasonable in the local situation? This question is approached by examining the context of block exclusion applications to see if outcomes cause hardship to the local area concerned, from the point of view of local public interest, and to see if outcomes conform to decision criteria based on the aims of the Reserve system legislation and the legitimate trade offs specified in Commission policy.

1.7.2. Role of Small Municipalities in the Application Process

Are the land use policies or decisions resulting from block exclusion applications the outcome of a process in which small municipalities play an active and significant role? This study treats decision making as a "black box," so the question is explored in terms of process inputs. Do small municipalities have adequate staff and technical resources to carry out their block applications? Are small municipalities able to obtain and present good information on the issues relevant to their applications? Do small
municipalities take an active role in pursuing their applications, especially when the substantive issues are not clearcut?

1.7.3. Regulatory Capture

Is there any evidence that the Agricultural Land Reserve system is subject to regulatory capture? What are the procedural circumstances of Commission recommendations to refuse block exclusions? Are information resources indeed available to the Commission as well as to local government applicants? Are views presented to the Commission in opposition to local government proposals? Has the Commission bargained or negotiated? Have municipalities refused consent to Commission or cabinet decisions?

1.7.4. Community Planning as a Means of Resolving Provincial-Municipal Disagreements over Agricultural Land Use

If it is to serve as a useful adjunct to the basic regulatory operations of the formal Reserve system, official community planning should make certain contributions: Has the official community plan process become a forum for a comprehensive approach to resolving provincial-local land use conflicts over agricultural land? To what extent does the Commission share in the preparation of relevant policies of community plans? What are the nature of those policies?

1.8 Case Study Approach

In order to describe the local context in some detail, and make judgments about block application outcomes and the
role of small municipalities in the application process, a
series of case studies is presented. The case studies
include all block applications made by five small munici­
palities, as well as their community plan experience and
policies regarding Reserve land. As background to the case
studies, an outline of provincial policies and institutions
related to the Reserve system and to community planning is
set out. These policies established the procedures and
standards, and the substantive issue areas of Reserve system
administration and community planning.

The case studies cover the period from late 1972
to 1980. They centre on municipal applications for Reserve
exclusions or for non-farm use permission, and on community
plan documents. In order to show the sequence of interaction,
reference is made to other formal contacts between the muni­
cipalities and Commission. Examples of these are appeals
against the 1972 and 1973 Orders-in-Council prohibiting
subdivision or development of potential agricultural reserve
land, municipal input into the Reserve plan designation
process, and selected private applications directly related
to the municipal block applications.

1.8.1. The Municipal Cases

The five municipalities selected for the case studies
are Keremeos, Armstrong, Salmon Arm, 100 Mile House and
Merritt. The five were selected from among small, non­
metropolitan municipalities which had (1) made application
on their own behalf to the Commission in a block application
for exclusion by the end of 1979, and (2) prepared community plans with assistance from the 1977 Revenue Sharing Act planning grants program. The five had completed their community plan at least through an accessible draft stage by early 1980. They are all located relatively near Vancouver (for purposes of research visits), are part of different regional districts, and demonstrate as wide a variety of physical and settlement features as possible within the confines of the other selection criteria. Table 2 sets out the British Columbia municipal government context and the size, status, and regional district location of the five municipalities selected.

Armstrong and Salmon Arm are located at the northern end of the Okanagan region. Farming activity in and around the municipal areas centres on mixed farming, with some orchards in Salmon Arm. Keremeos, in the lower Similkameen Valley, is an orchard area with some vegetable and forage crops. Merritt and 100 Mile House are in the ranching areas of the Thompson and Fraser plateaus, respectively.
TABLE 2

CASES SELECTED FROM AMONG BRITISH COLUMBIA MUNICIPALITIES

<table>
<thead>
<tr>
<th>British Columbia Municipalities:</th>
<th>139</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receiving Planning Grants, 1978 &amp; 1979:</td>
<td>103</td>
</tr>
<tr>
<td>Non-Metropolitan* Municipalities under 10,000 population, 1976 Census:</td>
<td>87</td>
</tr>
<tr>
<td>Municipalities Selected:</td>
<td>5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Municipal Cases</th>
<th>Municipal Status</th>
<th>1976 Population</th>
<th>Regional Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Keremeos</td>
<td>village</td>
<td>702</td>
<td>Okanagan-Similkameen</td>
</tr>
<tr>
<td>Armstrong</td>
<td>city</td>
<td>2260</td>
<td>North Okanagan</td>
</tr>
<tr>
<td>Salmon Arm</td>
<td>district municipality</td>
<td>9355</td>
<td>Columbia-Shuswap</td>
</tr>
<tr>
<td>100 Mile House</td>
<td>village</td>
<td>1585</td>
<td>Cariboo</td>
</tr>
<tr>
<td>Merritt</td>
<td>town</td>
<td>5680</td>
<td>Thompson-Nicola</td>
</tr>
</tbody>
</table>

| (city, 1980)    |                  |                 |                   |


* Outside the Capital Regional District, Central Okanagan Regional District, and the lower Fraser Valley.

Table 3 compares the acreage excluded from Reserves as a result of block applications between 1974 and 1979 for rural and urban purposes with acreage excluded through private applications. It is clear from Table 3 that the case study municipalities have had a relatively negligible impact on the Reserves. The reverse is not necessarily true. Rather, from the perspective of such small municipalities
<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Acres Excluded via Block Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ruralb</td>
</tr>
<tr>
<td>Block Exclusion</td>
<td>76,245</td>
</tr>
<tr>
<td>Private Exclusion</td>
<td>11,205</td>
</tr>
<tr>
<td>Total Exclusion</td>
<td>76,245</td>
</tr>
<tr>
<td>Inclusion</td>
<td>n.a.</td>
</tr>
</tbody>
</table>


a. Block applications are applications made by local governments.

b. Rural fine-tuning exclusion applications, generally made by regional districts, result from large scale, rural boundary reviews carried out by the Commission with regional district assistance. These exercises turn on agricultural capability and sometimes parcel size and constitute adjustments to initial Reserves in light of improved capability mapping rather than the urban development pressures relevant to urban applications.

c. Included in "Urban" acreage figures.

d. To April, 1980.

e. Not available.
the acreage involved may be very significant indeed. (The maps in Chapters 4-8 show the large Reserve areas in the five case study municipalities.)

1.8.2. Sources of Information

Major data sources for the case studies are open Agricultural Land Commission application and community plan review files, community plan documents, and interviews with municipal officials, planners and engineers. This material was supplemented by regional district file material, interviews with regional district planners, some municipal files, information from Ministry of Municipal Affairs and Ministry of Agriculture staff, as well as others involved with the Commission’s work and the municipal applications, including former Commission members and Commission staff. Many of the interviews were conducted during a visit to each municipality and to regional district offices in the spring of 1980. These interviews followed a review of the Commission’s application files and were designed to be open-ended and responsive to the particular circumstances of each municipal situation and application.

Each application included in the case studies is assigned a reference number related to the date of the application. These reference numbers, set out in Table 4, are used in the text to distinguish among the applications under discussion. The Commission maintains a separate file for each application and community plan, and each file is distinguished by a unique number.
<table>
<thead>
<tr>
<th>Municipality</th>
<th>Application Reference No.</th>
<th>Exclusion (E) or Use Permission (U)</th>
<th>Acreage Requested</th>
<th>Acreage Approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Keremeos</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1975</td>
<td>E</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>1977</td>
<td>U</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>1978</td>
<td>U</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Armstrong</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1974</td>
<td>E</td>
<td>10</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>1975</td>
<td>E</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>1976&lt;sup&gt;a&lt;/sup&gt;</td>
<td>E</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>Salmon Arm</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1975A</td>
<td>E</td>
<td>708</td>
<td>466</td>
</tr>
<tr>
<td></td>
<td>1975B</td>
<td>E</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>1975C</td>
<td>U</td>
<td>80</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>1978A</td>
<td>U</td>
<td>n.a.&lt;sup&gt;b&lt;/sup&gt;</td>
<td>n.a.&lt;sup&gt;b&lt;/sup&gt;</td>
</tr>
<tr>
<td></td>
<td>1978B</td>
<td>E</td>
<td>44</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>1979</td>
<td>E</td>
<td>108</td>
<td>108</td>
</tr>
<tr>
<td>100 Mile House</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1975</td>
<td>E</td>
<td>147</td>
<td>91</td>
</tr>
<tr>
<td></td>
<td>1979&lt;sup&gt;a&lt;/sup&gt;</td>
<td>E</td>
<td>56</td>
<td>56</td>
</tr>
<tr>
<td>Merritt</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1977</td>
<td>E</td>
<td>35</td>
<td>35</td>
</tr>
</tbody>
</table>

**SOURCE:** British Columbia Provincial Agricultural Land Commission, Application files.

<sup>a</sup> Private applications.

<sup>b</sup> Road right-of-way.
1.8.3. Description and Analysis

The case studies are presented in a series of descriptions divided into three parts: application narrative, process inputs and environment, and the community plan. Initial contacts between the Reserve system and the municipality through municipal "blanket" appeals of the Orders-in-Council freezing farmland and through municipal proposals for the regional Reserve plan boundaries are noted where relevant. The case narratives comprise accounts of formal contacts made by municipalities with the Commission through selected exclusion and non-farm use applications. The narratives are based on Commission files and other documents, and relate the sequence of often connected applications and events, the arguments made by municipalities and others for the exclusion or use, and the positions taken by the Commission.

The second part of the description relates information on the issues and information sources which were incorporated into the process. This part also adds details about the context and tactics of the municipality and others involved obtained through interviews and files. Where necessary, this part attempts to clarify further the sequence of events surrounding the applications.

The description concludes with an outline of the provisions of community plan documents which relate to the Reserves in the municipal area, especially the plan strategy towards the Reserve system, and Commission comments on the plans.
NOTES

The British Columbia Provincial Agricultural Land Commission is abbreviated variously in these notes as "BCLC," "BCPLC," and "BCPALC" according to the style of the documents cited.

1. Originally titled the Land Commission Act. Amendments in 1977 which narrowed the scope of the Act to agricultural land changed the title to the Agricultural Land Commission Act. This title will be used in the text unless the reference is specifically to the 1973 version.


3. "Local government" refers to both regional districts and to cities, towns, villages and district municipalities, all mandated by the Municipal Act. "Municipalities" is used to refer only to cities, towns, villages and district municipalities.


5. During the 1973 debate in the Legislative Assembly, the original bill was attacked not only for removing control over municipal lands from municipalities, but also for its lack of consultation procedures in the designation of the Agricultural Land Reserves. The bill was duly amended before passage to increase municipal input into the designation process and subsequent changes in the Reserves. Again, Baxter, Land Commission Act Review is thorough in his description of the changes resulting from local government opposition.

7. Canadian provinces have long exercised various powers over land use and development, especially in the area of resource exploitation. Ontario and British Columbia have both recently proposed refinements in planning legislation to bring about conformity of local government land policies with stated provincial policies and interests. The proposals involve explicit and public definition of provincial interests and their enshrinement in land use and development policies to which all local government planning should conform. The proposals are for hierarchical, top-down co-ordination of land use policy between the two levels of government. British Columbia, Ministry of Municipal Affairs, The Planning Act: A Discussion Paper ([Victoria, September 1980]); Canadian Institute of Planners, Task Force on Planning Acts, Interim Report, Prepared by Hugh Kellas and Brahm Wiesman (Ottawa, June 1980); Mark W. Frankenna and David T. Sheffman, Economic Analysis of Provincial Land Use Policies in Ontario (Toronto: University of Toronto Press for the Ontario Economic Council, 1980), chap. 3; Ontario, White Paper on the Planning Act (Toronto, May 1979).


15. Interview, Rawson.

16. BCLC, Options, p. 10. Other statements of this position have appeared in the Land Commission's various Annual Reports.

17. BCPLC, Annual Report, Year Ended March 31, 1977 (Burnaby, 1977), ss. 1.0(vi) and 3.5.1.

18. A.C. Kinnear, Chairman, BCPALC, "Address to B.C. Fruit Growers Association Annual Convention," 23 January 1980, (typewritten) p. 12. Under the planning provisions of the Municipal Act, R.S.B.C. 1979, c. 290, regional districts may prepare settlement plans for unorganized parts of their area; community plans are prepared by municipalities. Both community and settlement plans have the same statutory content requirements.

19. The importance of political and administrative commitment to implementation of plans is described in Hammer,


22. Ibid., p. 287.

23. This notion is nicely set out in C. Gary Runka, "Jurisdictional Rights: Who Has the Responsibility?" Agrologist 4 (Autumn 1975):21, in his references to the effectiveness of "independent Commissions" as land use control agencies. Several of the BCPALC Annual Reports have stressed this ideal: BCPALC, Annual Report 1977, s. 1.0(i); BCPALC, Annual Report, Year Ended March 31, 1978 (Burnaby, 1978), p. 5; and BCPALC, Annual Report, Year Ended March 31, 1979 (Burnaby, 1979), p. 3.


27. Godwin and Shepard, "State Land Use Politics," p. 713, identify local officials as part of an issue public normally concerned with "zoning at the local level" whose members "are accustomed to dealing with their state representatives."


CHAPTER 2

THE AGRICULTURAL LAND RESERVE SYSTEM AND MUNICIPALITIES:
INSTITUTIONS, PROCEDURES AND POLICIES

The formal procedures of the Agricultural Land Reserve system make provision for municipalities whose developable land areas were placed in the Reserves to seek amendments to the Reserves. These formal procedures comprise an institutional framework within which competing uses for Reserve lands and competing values attached to those lands may be resolved. A second framework for resolving such conflicts, municipal community plans, has also come into use recently. The operation of both these statutory frameworks has been specified through Land Commission and other provincial-level policies. These policies help to define both the nature of the issues at hand and the procedural aims of the Reserve system—including community planning. This chapter outlines the institutional and policy framework within which the Commission and municipalities operate in resolving their different intentions towards Reserve land.

2.1 Basic Application Procedures

The basic procedures through which the Land Commission administers the Agricultural Land Reserves may be viewed as the adjudication of rezoning applications or of zoning
variances to allow a non-farm use or otherwise prohibited subdivision. These procedures are shown diagramatically in Figure 3 and certain features of the procedures are set out in Table 5. The zone is the Agricultural Land Reserve, in which

No person shall occupy or use . . . land for any purpose other than farm use, except as permitted by this Act or the regulations or by order of the commission upon such terms and conditions as the commission may impose.¹

These procedures are established by the Agricultural Land Commission Act, by regulations made under the Act, or by government and Commission policy.² References in the text to sections of the Act are made in terms of the Types of Application set out in Tables 5 and 6.

2.1.1. Exclusion Applications

Local governments (municipalities and regional districts) may apply (1) to remove or exclude land from the Reserves; (2) for permission for the non-farm use or subdivision of Reserve land; or (3) to include land in the Reserves. Private applications and other government agencies may make applications for the same purpose. As shown in Table 5, the major difference between procedures for local government "block" applications and private applications is the locus of the ultimate decision. Where municipalities or regional districts are the applicants, the Commission advises cabinet rather than makes binding decisions. The recommendation procedure is mandated by cabinet, not statute. Where applicants are private persons, the Commission decides on the
FIGURE 3
FLOW CHART FOR APPLICATIONS UNDER THE AGRICULTURAL LAND COMMISSION ACT

EXCLUSION FROM THE ALR → ← REMAIN IN THE ALR →

s.9(8)* s.9(7) s.9(1) (b)* s.11(4)
[Diagram showing flowchart with steps for applications under the Agricultural Land Commission Act]

INCLUSIONS

Regs.: Sub'n along ALR bdy Conditional Use

Subdivision Use

s.8(12)* s.8(14)

Orders |

PRIVATE "BLOCK" OR LOCAL GOVT.

PRIVATE AND "BLOCK"


NOTE: The section numbers refer to the Agricultural Land Commission Act, S.B.C. 1973, c. 46, as am. by S.B.C. 1977, c. 73. For corresponding sections of the 1979 Revised Statute see Appendix 1.

* Procedure brought into effect by 1977 amendments to the Act.
<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Applicant</th>
<th>Locus of Approval or Decision</th>
<th>Commission Role</th>
<th>Statutory Appeal Procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Block Exclusion</td>
<td>local govt. Commission</td>
<td>Cabinet</td>
<td>advisory</td>
<td>no</td>
</tr>
<tr>
<td>Private Exclusion</td>
<td>private owner</td>
<td>Commission</td>
<td>decision</td>
<td>yes</td>
</tr>
<tr>
<td>Block Inclusion</td>
<td>local govt. Commission</td>
<td>Cabinet</td>
<td>advisory</td>
<td>no</td>
</tr>
<tr>
<td>Private Inclusion</td>
<td>private owner</td>
<td>Cabinet</td>
<td>advisory</td>
<td>no</td>
</tr>
<tr>
<td>Private Appeal,</td>
<td>private owner</td>
<td>Commission (authorize appeal)</td>
<td>decision</td>
<td>--</td>
</tr>
<tr>
<td>Exclusion Refusal</td>
<td></td>
<td>ELUC *</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use/Subdivision</td>
<td>local govt. private owner</td>
<td>Commission</td>
<td>decision</td>
<td>no</td>
</tr>
<tr>
<td>Conditional Use</td>
<td>local govt. private owner</td>
<td>Commission</td>
<td>decision</td>
<td>no</td>
</tr>
</tbody>
</table>


* Environment and Land Use Committee of cabinet.
TABLE 6
MAJOR TYPES OF APPLICATIONS, AGRICULTURAL LAND RESERVE SYSTEM:
AFTER 1977 AMENDMENTS

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Applicant</th>
<th>Locus of Approval or Decision</th>
<th>Commission Role</th>
<th>Statutory Appeal Procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Block Exclusion</td>
<td>local govt. Commission</td>
<td>Cabinet</td>
<td>advisory</td>
<td>no</td>
</tr>
<tr>
<td>Private Exclusion</td>
<td>private owner</td>
<td>Commission</td>
<td>decision</td>
<td>yes</td>
</tr>
<tr>
<td>Block Exclusion</td>
<td>local govt. Commission</td>
<td>Cabinet</td>
<td>advisory</td>
<td>no</td>
</tr>
<tr>
<td>Private Inclusion</td>
<td>private owner</td>
<td>Cabinet</td>
<td>advisory</td>
<td>no</td>
</tr>
<tr>
<td>Private Appeal,</td>
<td>private owner</td>
<td>Commission (leave to appeal)</td>
<td>decision</td>
<td>--</td>
</tr>
<tr>
<td>Exclusion Refusal</td>
<td></td>
<td>*Minister (leave to appeal)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>ELUC**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Block Use/Subdivision*</td>
<td>local govt.</td>
<td>Cabinet</td>
<td>advisory</td>
<td>--</td>
</tr>
<tr>
<td>Private Use/Subdivision</td>
<td>private owner</td>
<td>Commission</td>
<td>decision</td>
<td>--</td>
</tr>
<tr>
<td>Conditional Use</td>
<td>local govt. private owner</td>
<td>Commission</td>
<td>decision</td>
<td>--</td>
</tr>
</tbody>
</table>

SOURCE: Agricultural Land Commission Act, S.B.C 1973, c. 46, as am. by S.B.C. 1977, c. 73; and B.C. Regs. 60/74, 494/74, 93/75 and 313/78.

* Major changes made by 1977 amendments.

**Environment and Land Use Committee of cabinet.
applications, subject to appeal to the Environment and Land Use Committee of cabinet. Certain appeal and decision procedures were changed by the 1977 amendments to the Act. (See Table 6).

2.1.2. Inclusion Applications

After the initial designation of the Reserves, private and public or local government applicants have been able to apply to add land to the Reserves. All inclusions are decided by cabinet upon the recommendation of the Commission. The Commission processes these applications and analyzes them as they would applications on which they make decisions to allow or refuse exclusion.

2.1.3. Non-Farm Use and Subdivision Applications

Before the 1977 amendments, applications for non-farm use or subdivision of Reserve land, without removal from the Reserve, were made by local governments and by private owners under the Act or, in certain situations, under a regulation which sets out certain public interest uses which the Commission may permit. The Commission decided on approval or refusal. After the 1977 amendments, local government block applications for use or subdivision could be made under a new section which provides for a cabinet decision on the Commission's recommendation.

2.1.4. 1977 Amendments to the Act

The 1977 amendments to the original Land Commission Act changed its title to Agricultural Land Commission Act.
and removed provisions relating to non-agricultural land.
Greater access to cabinet for local government and private
applicants is provided. As noted, municipalities, regional
districts and the Commission may now seek cabinet approval
for permission for non-farm use or subdivision of lands
retained in the Reserves. This procedure now parallels the
block exclusion application process, with the Commission
making recommendations to cabinet rather than making the
decision. Private applicants whose request for exclusion
of lands from the Reserves had been refused by the Commission
and whose request for leave to appeal to the Environment and
Land Use Committee of cabinet had been refused by the
Commission under section 9(7) could now seek leave to appeal
to the Environment and Land Use Committee (ELUC) from the
Minister responsible (variously the Minister of Environment
and the Minister of Agriculture). Cabinet may now initiate
the release or addition of lands to the Reserves.

2.1.5. Block Exclusion Application Procedures

The procedures observed by the Commission and local
governments in handling their exclusion and inclusion
applications were not entirely mandated by statute before
1977. Rather, the Act, regulations and government and
Commission policies together established the procedure. Thus the Commission's role regarding municipal exclusion
applications has depended on cabinet policy rather than
statute. In practice, municipal block applications for
exclusion or non-farm use are forwarded to the Commission, accompanied by relevant information. The extent of this information was initially not specified by regulation. Later circulars and regulations specified in some detail what information the Commission needed as a basis for its recommendation. After 1977, public hearing reports had to accompany the application. (These procedures are outlined in Figure 3.) The Commission's staff collect and collate further information as needed on each application. The Commission then meets and takes a formal decision on the application. Its recommendation and the rationale behind it are then conveyed to cabinet through ELUC or the responsible Minister, and a copy is sent to the local government applicant.

2.1.6. Other Procedures Involving Municipalities

Although not the focus of this study, other statutory and regulatory procedures formally involve municipalities in Reserve administration, and municipalities become involved in fine tuning boundary reviews as well. First, municipalities may advise the Commission on a range of private exclusion and use applications. Secondly, they played a formal role in the establishment of the Reserve boundaries. Thirdly, the block application procedures described above have been used to finalize the results of comprehensive fine tuning Reserve reviews. These reviews, initiated by the Commission, recommend substantial changes to a Reserve because of improved mapping or other indicators that the original Reserve
boundaries should be changed. In general, reviews have concerned rural rather than urban areas (see Table 3). Over the years the Commission has developed increasingly formalized procedures to be followed in carrying out reviews. Local governments usually make the formal applications for these changes through the block exclusion process.\textsuperscript{11}

2.1.7. Notification and Hearing Requirements

Many of the basic application procedures require some form of notification of interested parties and a hearing. The requirements are set out in the Act and in regulations made under the Act.\textsuperscript{12} These requirements are outlined in Tables 7 and 8. Before 1977, local government block applications for exclusion required no public hearing, public notification, or notification of owners of adjacent land. After the amendments, a public hearing, held by the local government applicant, and appropriate notice became mandatory.\textsuperscript{13} These new stipulations also apply to local government applications for non-farm use and subdivision made under the new section of the Act.

Private exclusion applications have not required public notice or hearing but rather the notification of other affected owners and a hearing by the Commission which the applicant may attend.\textsuperscript{14} The regional district may hold a public information meeting in connection with any private application.\textsuperscript{15}

Inclusion applications require public notice and hearing only where local governments have applied for the
<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Commission Hearing**</th>
<th>Optional Public Info. Meeting</th>
<th>Public Hearing*</th>
<th>Prior Notification/ Representations from:</th>
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<tbody>
<tr>
<td></td>
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<td></td>
<td></td>
<td>Affected Owners</td>
</tr>
<tr>
<td>Block Exclusion</td>
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<td></td>
<td>X</td>
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<tr>
<td>Private Exclusion</td>
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<td>Block Inclusion</td>
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<tr>
<td>Private Inclusion</td>
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<tr>
<td>Use/Subdivision</td>
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<tr>
<td>(under Act)</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(under Regulations)</td>
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</tbody>
</table>


* Prior notice required.

** Open to the public in practice but no formal public notice given.
<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Commission Hearing*</th>
<th>Optional Public Info. Meeting</th>
<th>Public Hearing**</th>
<th>Prior Notification/ Representations from:</th>
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<td>Affected Owners</td>
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<tr>
<td>Block Exclusion and Use/Subdivision</td>
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<td>X</td>
<td>X</td>
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<td>Private Exclusion</td>
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<td>Block Inclusion</td>
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<td>Private Inclusion</td>
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</tr>
<tr>
<td>Use/Subdivision (under Act)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>if private owner</td>
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<td>option of Commission</td>
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<td></td>
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<td></td>
<td>regional dist.</td>
</tr>
<tr>
<td>Use/Subdivision (under Regulations)</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**SOURCE:** Agricultural Land Commission Act, S.B.C. 1973, c. 46, as am. by S.B.C. 1977, c. 73; and B.C. Regs.

* Open to the public in practice; no public notice given.

** Requires public notice.
inclusion of privately owned land. Subdivision and non-farm use applications generally require less in the way of notification and hearing, except for block applications by municipalities and regional districts. Hearings or information meetings for private use or subdivision applications are optional rather than required.16

For all types of applications, the procedures set out in the Act or regulations ensure that the appropriate local government is made aware of the application. Since private applications are made through the regional districts, and since the information required by regulation includes items from any municipality whose area is affected, both levels of local government are informed indirectly. Otherwise, the Commission is required by regulation to seek the comments or advice of local governments.

2.2 Land Commission Policies

In order to carry out the administrative tasks set out in the Act and prescribed by the government, the Commission has developed policies to guide its decision making on applications.17 In 1973, the Commission inherited policies established by the government for the equitable administration of the orders-in-council "freezing" farmland for farm uses.18 These policies have remained more or less intact. Commission policies concern both the substantive criteria which guide decision making on each application and the Commission's view about how the formal procedures should be carried out. There is considerable continuity of these
criteria and procedural aims, although the overall approach of successive Commission members may have varied. The administrative context has evolved from (1) concern with equitable and reasonable administration of the farmland freeze, to (2) rational, planning criteria for designating overall Reserve "plans" or boundaries on a regional basis, to (3) the factors which the Commission, and municipalities consider in dealing with separate and serial exclusion and non-farm applications.

2.2.1. Defining Legitimate Urban Need

Before the Reserves were designated, and during the process of their designation, the Environment and Land Use Committee of cabinet and later the newly appointed Commission developed policies to deal with the particular issues of the farmland freeze, then with the transition from freeze to designation, and finally with the designation of the Reserves. At all stages these policies gave municipal councils a specific role, and involved substantive criteria which are still reflected in Commission policies.

The municipal experience with provincial agricultural land policy began with the farmland freeze instituted in December, 1972. The freeze was meant as an interim measure to control the subdivision and later use of agricultural land while legislation was brought forward and debated in the Legislative Assembly. The Land Commission Act was passed, and the regional Agricultural Land Reserves designated in accordance with the Act. The period between the freeze and
designation of Reserves lasted from one and one-half to two
years, depending on the regional district. The cabinet,
ELUC, the Department of Agriculture, various ministers and
eventually the Commission were all involved at times during
this period in establishing criteria for adjudicating
non-farm subdivision and use of agriculturally capable land.¹⁹

By May, 1973, the provincial government and Commission
had established a transition policy whereby municipalities
could make "blanket" appeals for the release of land from
the freeze in order to avoid an immediate shortage of land
for housing. This transitional policy thus recognized urban
housing as a legitimate use of farmland. Municipalities and
regional districts were requested to support their blanket
appeals to release land for this housing with documentation
showing "areas surrounded by development, sewered, or clearly
needed for development in the near future."²⁰ The implica-
tion was made that the local government should examine its
land use needs and sites in a fairly thoroughgoing way
before seeking its release from the freeze.

This relatively comprehensive approach was further
refined in instructions given municipalities and regional
districts in July, 1973, about their recommendations for the
Reserve plans or boundaries. To summarize, land might be
recommended for exclusion from the proposed Reserves in
order to allow for about five years of predicted growth.
This growth was to be accommodated first by urban infilling,
then on land with low capability for agriculture. Only if
these alternatives were not available, or if there were existing "substantial, partially used, public works designed to serve the vacant area," could expansion areas be proposed around urban centres on agriculturally capable land.21

Thus by mid-1973 a series of policies to determine what should be retained as designated farmland or Reserves had been established. These criteria became the issues on which municipal and other exclusion and non-farm use applications turned:

- prior commitment to development, including substantial commencement and irreversible prior approvals and public works commitments or installations;
- a need for the urban land use proposed;
- no alternative sites for the needed urban development in the form of infill sites or low capability land.

In these circumstances, local governments might legitimately claim the use of Reserve land for urban development. A fourth general criterion, specifically for municipal and regional district exclusion applications, was later expressed in a circular of September, 1974:

- "urgent" and "vital to the general community or public interest."22

Whatever the procedural context for decision making, these criteria are open to wide interpretation, depending on the interests of and technical resources available to those involved. For example, the infill potential of urban areas is often in dispute, since predicting site availability depends on the willingness of owners to sell or develop their land, and on the timing of these private decisions. Viewed
from the perspective of servicing costs, the development potential of lands of low agricultural capability may also be low. When existing public works are taken to commit land to development, financial and local legislative commitment may be substituted for physical installation, and the flexibility of existing systems regarding options for logical service extensions subject to the whims of engineering designs prepared for municipalities or other agencies. The absence of alternative sites hinges on these interpretations and a host of others, depending on what is considered financially, socially and politically reasonable. Perhaps the most difficult aspect of interpretation is the prediction of the urban demand for land, initially the "five year growth allowance" and later a more general problem of phasing land availability with this demand and its residential, commercial and industrial components. The prediction of population trends in small towns is notoriously difficult and the decisions of a few owners can make a great difference to the supply of urban land there.

2.2.2. Agricultural Capability Criteria

These urban-oriented criteria, however difficult of interpretation, seem relatively comprehensive, and the farm related and agricultural land capability criteria were at least equally so. The Reserve boundary proposals of the Department of Agriculture, to which municipalities and regional districts were asked to react, were founded on the Canada Land Inventory's (CLI) agricultural capability rating
of land. The rating is a measure of the limitations on the range of crops which can be produced, and does not take account of current agricultural technology, farm economics, parcel or farm size, etc.

2.2.3. Early Trade Offs of Urban Need and Agricultural Capability

Mary Rawson's *Ill Fares the Land* outlines the approach taken by the Commission in preparing its recommendations to the government on each regional Agricultural Land Reserve plan. The Commission relied primarily on agricultural capability ratings but incorporated trade offs between urban development and aspects of land use affecting the viability of farm units:

**Capability Guidelines:**

- all class 1, 2, 3 and 4 land included in Reserves;
- if capability was 40% class 4 or better, land included;
- class 5 and 6 land was included if usable in conjunction with class 1-4 land;
- class 7 lands were included where they were a "natural part of the agricultural landscape";
- other low capability lands included if their exclusion would "encourage ruinous intrusion of incompatible uses";

**Some Urban Considerations:**

- land "fully committed to urban development" was excluded unless in open space use;
- high capability lands were excluded where they "were in the immediate path of urban development, or in areas where urban intrusion had proceeded so far it seemed unlikely the trend could be halted" eg. commitments through community plans, servicing programs.

The kinds of trade offs specified above continue to be made
by the Commission in dealing with exclusion and non-farm use applications. The Commission has continued to view municipal urban land requirements as legitimate under some circumstances.

2.2.4. Summary of Substantive Issues Involved in Municipal Applications

Throughout its subsequent deliberations on municipal applications, the Commission appears to have retained and elaborated the criteria set out above. The criteria used to establish the Reserves were later applied to exclusion applications, as evidenced partly by the schedule of information required to be supplied to document the applications. The Commission recently updated an information sheet for all applicants, "Points for Applicants to Consider." It sets out at length factors weighed by the Commission, notes that these are interrelated, and states that the Commission considers those which are relevant to the particular application at hand.26

With the addition of the two starred items, the list below outlines the "Points" according to the locus of the impact of exclusion. The starred items are considerations derived from earlier policies which may apply to municipal and regional district public interest applications. The starred items are supported by aspects of the Act and for example, B.C. Regulation 93/75. The list comprises an outline of the issues likely to be involved in applications and of the criteria which the Commission must weigh in making its decision.
Issue Content, Agricultural Land Commission Decision Criteria:

Subject Property or Site
- its agricultural capability
- irreversibility of proposed use
- resulting parcel size with respect to type of agricultural potential
- physical restrictions on its agricultural use

Surrounding Land
- its agricultural capability
- impact of proposal on its agricultural use
- impact of its existing use on use of subject property

Agricultural Community
- impact of proposal on farm community
- proposal is in support of or in conflict with area agriculture
- regional, community objectives

Urban Community
- need for proposed (urban) use—public interest*
- existence of alternative or lower capability, non-Reserve sites for proposed use
- prior commitment to development*
- regional, community objectives

The urban-related land use issues surrounding the Reserves appear to have remained stable since the designation process itself. Originally developed to promote a comprehensive approach to local government farmland freeze appeals, and later to local government input into Reserve designations, most of the urban-related criteria and agricultural concerns continue to guide Commission deliberations on exclusion and other applications. The complexity of trade offs among these criteria is potentially significant in view of the wide range of interpretations which the urban related criteria admit.
2.3 **Procedural Norms**

The procedural requirements of the *Agricultural Land Commission Act* focus on the locus of decision and the rights of property owning applicants to notification and hearing. Referrals to interested local governments and information requirements have been specified in increasing detail in regulations (see section 2.1 above). In the view of the past chairman of the Commission:

> . . . I see no problems and many advantages to the process that has existed from the beginning whereby applications from municipalities and regional districts are decided upon by Cabinet after receiving recommendations from the Commission and the Environment and Land Use Committee.²⁷

The process allows regional as well as provincial input into the decision process, according to the Chairman, and even more localized input from the municipal level. The Commission's annual reports and the writings of its members have stressed this joint governmental aspect of application procedures. The Commission sought to be flexible by giving consideration to both "local concerns" and to "a regional or provincial plan", according to its former general manager and chairman, Gary Runka.²⁸ This norm is reflected in the referral processes set out in the regulations and in the nature of the criteria established for considering applications. It is also important to the Commission's view of what its role should be in community planning.

Several of the Commission's annual reports have stated that its decision making should be shared with other
interested parties, particularly local governments but also
the public.\(^{29}\) This concern is central to relations between
the Commission and municipal governments, and the Commission's
notion of its role in community planning. It summarizes the
statutory and regulatory provisions for a municipal role and
the substantive criteria which reflect the trade offs among
interests involved in Reserve administration.

More narrowly, the Commission has been concerned with
procedural fairness, unbiased consideration, decisions based
on good technical information. These norms relate to the
impact of the Reserve system on property rights and to its
regulatory nature. Fairness means that similar applications
should be treated consistently and so as not to impose undue
financial hardship on applicants or others subject to Reserve
controls.\(^{30}\) The notion that the Commission should "treat
private and public interest without bias" was expressed in
1975 by the then Commission chairman Gary Runka.\(^{31}\) This im-
partiality objective is related to the Commission's desire
to base its decisions on technical inputs and to the ideal of
consistency. Decisions should be based on access to good
technical information, particularly about the land resource.\(^{32}\)

2.4 **Community Plans and the Reserve System**

In 1977, British Columbia made several alterations to
its legislation which had the effect of encouraging a surge
of municipal planning activity: 103 municipalities began or
resumed formal plan preparation in 1978 and 1979, out of a
total of 139 municipalities.\(^{33}\) Changes to the planning
sections of the Municipal Act specified new contents for municipal community plans and firmly directed municipalities to give priority to certain provincial policies. New legislation enacted at the same time, the Revenue Sharing Act, provided cost-shared planning grants "aimed at encouraging the preparation of official policy plans to guide both regional and community development." This funding seems to have encouraged many smaller municipalities to undertake planning for the first time. Subsequent planning activity has generated opportunities for joint Commission and municipal shared decision making and also for conflicts over medium term proposals for the use of Reserve lands.

The Municipal Act now specifies that an official community plan, prepared by a municipality at its own discretion, must in its statement of land use policies deal with

s. 810(2)(e) the preservation and continuing use of agricultural land for present and future food production.\(^35\)

The same provisions are to be included in official settlement plans prepared by regional districts for unincorporated areas within their jurisdiction. Further, the plans should give consideration to

s. 810(3)(b) the stated objectives, policies and programs of the government.\(^36\)

Both the Commission and the Ministry of Municipal Affairs have circularized municipalities and regional districts to promote the co-ordination of municipal planning
with the policies espoused by the Commission and the Agricultural Land Commission Act. By co-ordination is meant conformity of plans to Commission policies and liaison with the Commission during the preparation of community plans, which may propose non-farm use of Reserve lands. The Commission has been concerned that official community planning activity should support existing Reserves rather than weaken their future in favour of other municipal priorities.

Circulars in 1978 and 1979 spelled out the Commission's views about the interface between community and settlement planning and the Reserves:

- Most municipalities have adequate land outside Reserves for development; and

- if urban encroachment is proposed during the life of the plan, the Commission should be brought into the planning process early on.37

The Commission appointed a staff member to liaise with municipalities on their community planning, and the Commission subsequently undertook to review draft community and settlement plans referred to it.

By early 1979, the Commission felt that it was necessary to set out specific policies toward the Reserves which should be incorporated into community plans, and these policy suggestions were circularized to local governments by the Minister of Municipal Affairs:

1. All Lands within the Agricultural Land Reserve should be included in most cases within a single agricultural use designation in official plans.

2. Minimum parcel size regulations should not be stipulated for Agricultural Land Reserve lands in official plans.
3. In zoning bylaws, minimum parcel size regulations for the zone designation covering Agricultural Land Reserve lands should be stated as applying only when land is excluded from the Agricultural Land Reserve or when subdivision within the Agricultural Land Reserve is approved pursuant to the Agricultural Land Commission Act.

4. In both official plans and zoning bylaws, it should be clearly indicated that lands within the Agricultural Land Reserve are subject to the Agricultural Land Commission Act, and that subdivision and new non-farm uses are not permitted unless approved by the Commission.\textsuperscript{38}

These and other circulars summarized community plan policies which were in conflict with the future of the Reserves:

- By implication, municipalities were not contacting the Land Commission until the plans were in final draft form, if at all;\textsuperscript{39}

- municipalities were using the Reserves as a "zoning or subdivision tool", presumably to limit or phase development;\textsuperscript{40}

- community plan policies were sometimes in direct conflict with the Act;\textsuperscript{41} and

- some municipalities viewed their community plans as a "basis for requesting the release of land from the Agricultural Land Reserve."\textsuperscript{42}

As early as 1978 the Ministry of Municipal Affairs and the Commission saw the community plan both as an opportunity to sort out differences between the Commission and municipalities in a comprehensive way and as a threat to their priorities. The Ministry has given municipalities relatively free rein over their plan policies. Technically the Ministry has some leverage over village, town and district municipality plans, since they must be registered (villages) or deposited with the Ministry (towns, districts) in order to become fully
According to some provincial officials, these powers have not been exercised to persuade municipalities to make changes in plans, because such action would be resented and place the document in a peculiar position in the eyes of municipal officials.44

2.5 Summary: The Institutional and Policy Environment for Balancing Municipal Development and Agricultural Land Preservation

In order to slow the conversion of agricultural land to urban uses, the British Columbia government removed ultimate control over land use and subdivision from local government hands and placed these powers in the hands of the Agricultural Land Commission and cabinet. The new arrangements provided formal procedures for municipal participation in the Reserve system of agricultural zoning. Following on initial municipal participation in the process of designating the Reserves, municipal requirements for urban land are provided for in the Agricultural Land Commission Act and regulations. Municipalities may apply for the removal of land from the Reserves and Commission control or for permission to subdivide for non-farm use. The Commission recommends to cabinet on these applications.

The Commission view of its role stresses technical information, equity, freedom from bias or local pressures, and flexibility with respect to the needs of local and regional areas. The Commission, following in the footsteps of the Environment and Land Use Committee of cabinet, has developed a set of substantive criteria or factors on which
to make its decisions on applications. These criteria define the kinds of substantive issues which arise in municipal and private applications. Weighing these factors is the crux of the Commission's function of balancing conservation and development; ecological principles and economic, social and political realities; and the provincial and local public interest.

To this statutory set of procedures and institutions and Commission policies concerning individual applications has now been added another arena within which the future use of Reserve lands can be dealt with. The Revenue Sharing Act and Municipal Act planning amendments of 1977 have encouraged a surge of municipal planning activity. The Ministry of Municipal Affairs and the Commission have urged that community plans support the Reserve system. Ministry circulars suggest that, while the province sees community plans as a context for municipal-Commission consultation, municipalities see their plans more as a means of backing their development preferences for Reserve lands.

The Commission's administrative functions which it exercises through the application process are essentially regulatory, involving rezoning land from agricultural to other uses. It carries out a judicial function within a general policy framework. It expects to "defend the public interest against sectional interest", by both "protecting public policy positions against powerful interests . . . and by holding the ring fairly among the discernible interests". 
themselves." It is both referee and representative of the provincial interest in agricultural land. As the Commission would have it, the balancing of interests is their main job: public and private interests, local and provincial, urban and agricultural.

The application process is incremental and serial. Yet each decision about Reserve land contributes to the shaping of long-term options for development. A more comprehensive approach to Reserve land use was taken in the original designation process and is potentially available in community and settlement plan formulation.

The Commission's procedural norms are those appropriate to a regulatory body dealing with property rights. The implementation of these norms is a matter of conformity with the dictates of administrative law. However, the implementation of "flexibility" towards "local concerns and regional plans", or "shared decision-making" is less straightforward, both in the municipal application process and in the community planning context. The Commission has developed a set of criteria to help it make such trade offs. Municipalities have direct access to the Reserve system and can, in their planning, take a comprehensive stance in their policy towards the Reserves. Part II reports on the operation of these policies and institutions in the five case study municipalities.
NOTES

The British Columbia Provincial Agricultural Land Commission is abbreviated variously in these notes as "BCLC," "BCPLC," and "BCPALC" according to the style of the documents cited.

1. Agricultural Land Commission Act, S.B.C. 1973, c. 46, s. 10(1), as amended by S.B.C. 1977, c. 73. This section and others have been reworded in the British Columbia Revised Statutes of 1979. In this thesis, sections of the Act are cited to the Act as consolidated following the 1977 amendments. Corresponding sections of the 1973, 1977 consolidated, and 1979 revised statutes are set out in Appendix 1. The applications included in the case studies were all made under the 1973 and 1977 versions of the legislation.

2. Selected procedural and substantive regulations made under the Act are listed in Appendix 2 and their content noted. The cabinet makes regulations under the Act by Order-in-Council, and they are duly gazetted as provincial regulations.


4. Land Commission Act, S.B.C. 1973, c. 46, s. 11(4) and B.C. Reg. 93/75.


7. Agricultural Land Commission Act, S.B.C., 1973, c. 46, s. 9(8), as amended by S.B.C. 1977, c. 73.

8. Procedures for municipal block exclusion applications were developed in the course of dealing with the first such cases in mid-1974, for example the 1974 application from the city of Armstrong, application reference number 1974, BCPALC Application file 91-T-74-02508. The file contains correspondence between D. Stupich, Minister of Agriculture and W.T. Lane, Chairman of the Commission (31 May 1974 and 4 June 1974), concerning the Commission's role in the process. Eventually procedures for municipal applications were established and local governments informed by circular letter from the Commission Chairman (6 September 1974). The procedures were mandated by regulation only in 1978 (B.C. Reg. 313/78).

10. Commission-published application statistics show that the cabinet decision generally confirms the Commission's final recommendation on each block application. See Table 1 above.

11. Descriptions of major fine tuning boundary reviews can be found in the Commission's annual reports.

12. B.C. Regs. 60/74, 494/74, 93/75, and 313/78.

13. Agricultural Land Commission Act, S.B.C. 1973, c. 46, s. 9(1), as amended by S.B.C. 1977, c. 73; and B.C. Reg. 313/78, s. 4.


15. B.C. Regs. 60/74 and 313/78.


17. "Decision making" and "decision" refer to the recommendations the Commission makes to cabinet as well as Commission decisions which are final.

18. These policies were set out in B.C. Regs. 4/73 and 19/73.


22. Lane, BCLC, circular to local governments, 6 September 1974.


24. The Canada Land Inventory (CLI) rating system is outlined in BCLC, Keeping the Options Open ([Burnaby, 1975]), p. 7 and, in somewhat more detail, BCPALC, The Agricultural Land Reserve: Protecting B.C.'s Farmland (Burnaby, 1979), n.p.


26. [BCPALC], "Points for Applicants to Consider" (mimeo), 26 October 1979.


29. BCLC, Options, p. 10; BCPLC, Annual Report, April 1, 1974 - March 31, 1975 (Burnaby, 1975), pp. 4, 12; BCPLC, Annual Report 1977, ss. 1.0(iii) and 3.5.1.

30. BCPLC, Annual Report 1977, s. 1.0(iii); Environment and Land Use Committee and Lane, circular to local governments, 29 May 1973; Gordon Gram, BCPALC staff, informal talk to students at School of Community and Regional Planning, University of British Columbia, 15 November 1979.


32. BCPALC, Annual Report 1978, p. 5; BCPALC, Annual Report, Year Ending March 31, 1979 (Burnaby, 1979), p. 3; BCPLC, Annual Report 1977, s. 1.0(i); Runka, Ibid.


35. R.S.B.C. 1979, c. 290.


38. William N. Vander Zalm, Minister of Municipal Affairs, circular to All Municipalities and Regional Districts, "Re: Agricultural Land Commission Act Relative to Local Government Official Plans and Regulatory Bylaws," 28 March 1979. This circular memorandum was followed by the BCPALC's of 11 April 1979 reiterating the policy suggestions in more detail.


41. BCPALC circular to local governments, 11 April 1979; Vander Zalm circular to municipalities, 14 August 1979.

42. Vander Zalm circular to municipalities, 14 August 1979.

43. Municipal Act, R.S.B.C. 1979, c. 290, ss. 306(1), 307, and 711(7).

44. Personal communications, British Columbia, Ministry of Municipal Affairs, Planning Services staff, 1980.


PART II
THE CASE STUDIES
CHAPTER 3

THE MUNICIPAL VIEWPOINT:
A SURVEY OF SMALL TOWN OFFICIALS

As an introduction to the experience of the five case study municipalities, this chapter outlines the views of their officials, taken as a group, toward the Reserve system. The survey is impressionistic, based on interviews with municipal officials and consultants, and helps to interpret the documented case studies which follow in Chapters 4 through 8.¹

Municipal officials have mixed feelings about the Reserve system as it impinges on their jurisdiction. They give intellectual support to the notion of agricultural land preservation, and accept the Reserve system as provincial policy. But they are well aware of the ambiguities of such an ideal and seek to reach some sort of modus vivendi with the Commission. They believe that all the Reserve land within their municipal boundaries will not and should not remain under Commission control and in agricultural use. That the Reserves constitute a hurdle for development proposals is taken for granted. At the same time, the Reserves are not necessarily seen as a major planning issue or community problem for officials or residents.
In effect, officials and their technical consultants regard Reserve lands as a holding zone, the traditional function of municipal agricultural zones. This view may be expressed explicitly or implied. For example, one mayor observed that Reserve lands will ensure the city a good supply of land for residential needs for years. Several officials stated that the conversion of land from agriculture to urban development is inevitable. In some community plans or zoning bylaws, Reserve lands intended for development in the foreseeable future are designated differently than other Reserve lands. Expressions of skepticism about the economic future of local agricultural enterprises are reinforced by the absence of farming on lands included in the Reserves and by the intentions of present farmers to sell off their land. Since the Reserve is a holding zone, officials conclude that the Commission should not concern itself over "marginal" agricultural land but rather should direct its energies to preserving "prime" agricultural land. The Commission's expressed concern about the impact of urban encroachment or intrusion on adjacent farming activities is then seen as meddling in an area of the municipal mandate. Since urban development is inevitable, the best approach for the municipality and Commission is to concentrate on conserving the best agricultural lands and to give proper weight to the suitability of marginal agricultural lands for urban development.

In line with Union of British Columbia Municipalities policy, municipalities, not the Commission, should be
directing urban development and should therefore control marginal Reserve lands. Municipalities acting responsibly through planning and regulation should be able to get on with the job without unreasonable obstruction by the Commission. Municipalities should be able to give proper attention to selecting the best sites for urban development.

Many officials and their technical advisors are concerned with the effect the Reserve may have on the growth of their communities. In smaller communities such as Keremeos and Armstrong, there is concern that the Reserves have interfered with the provision and improvement of needed commercial, entertainment and recreational services. Continued development is seen in a positive light as an opportunity without negative effects.

As the Union of British Columbia Municipalities policy regarding the Reserves would have it:

The U.B.C.M. recognizes and supports the need to conserve land for agriculture, for recreational pursuits and leisure activities and for retention of areas in a natural state. The jurisdiction of the Land Commission should be confined to the preservation of agricultural land having a classification of [CLI] 1 to 4 and to the protection and provision of recreational land. The use and development of marginal agricultural land having classifications of [CLI] 5 to 8 should be determined by local governments. The Land Commission should have the right to appeal decisions made by local governments on the use and development of marginal agricultural land to the Environment and Land Use Committee of the Cabinet.
NOTES

1. The interviews are listed separately in the Bibliography.


3. Ibid. This policy statement, new in 1977, remains current.
CHAPTER 4
THE VILLAGE OF KEREMEOS

A village of over 700 people, Keremeos is located on the Similkameen River. Backed by steep hills, the village is divided into two levels, the upper bench area of more recent residential subdivisions and high school site, and the lower bench area which contains the downtown, industrial, and older residential sectors. A substantial part of the lower bench is floodplain, currently within the Agricultural Land Reserve. Both bench areas are capable of supporting tree fruits as well as forage crops. The village is imbedded in the Reserve, and most undeveloped, rural land within its boundaries is located in its western half and is comprised of high capability Reserve land. (See Map 1.)

Formal contacts between the village and Commission have included an appeal of the farmland freeze and several applications for exclusion and non-farm use. Of these applications, one was made on the village's behalf by a private owner and one by the regional district. A joint community and settlement plan for the Keremeos area has been drafted. Map 2 shows the community plan proposals. The applications are outlined in Table 9, which shows the sequence of applications, reconsiderations by the Commission, duration,
<table>
<thead>
<tr>
<th>Reference Number</th>
<th>1975</th>
<th>1977</th>
<th>1978</th>
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<tbody>
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<td>Non-farm use</td>
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<td>B.C. Reg. 93/75</td>
<td>s. 9(1)(b)</td>
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<td>Use Proposed</td>
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<td>Sewage treatment and disposal</td>
<td></td>
</tr>
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<td>Applicant</td>
<td>Village</td>
<td>Private owner</td>
<td>Regional District</td>
</tr>
<tr>
<td>Decision Sequence</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Application</td>
<td>Date</td>
<td>Acres</td>
<td>Date</td>
</tr>
<tr>
<td>8/75</td>
<td>25</td>
<td></td>
<td>4/77</td>
</tr>
<tr>
<td>Commission Recommend./Decision</td>
<td>Date</td>
<td>Acres</td>
<td>Date</td>
</tr>
<tr>
<td>1/76</td>
<td>7</td>
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</tr>
<tr>
<td>2/76</td>
<td>25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cabinet Decision</td>
<td>4/76</td>
<td>25</td>
<td>not applicable</td>
</tr>
</tbody>
</table>

SOURCE: BCPALC Application file 91-V-75-02565  O/B-V-77-04286  91(b)-V-78-05883
MAP 1

KEREMEOS

AGRICULTURAL LAND RESERVE & CASE STUDY APPLICATIONS

<table>
<thead>
<tr>
<th>Agricultural Land Reserve</th>
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</thead>
<tbody>
<tr>
<td>APPLICATIONS:</td>
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<tr>
<td>For Exclusion, Use</td>
</tr>
<tr>
<td>- once</td>
</tr>
<tr>
<td>- twice</td>
</tr>
<tr>
<td>1975 Excluded, Permitted</td>
</tr>
<tr>
<td>1977 Refused</td>
</tr>
</tbody>
</table>

MAP 2

KEREMEO'S COMMUNITY PLAN

FUTURE LAND USE

- Residential (R)
- Commercial (C)
- Industrial (I)
- Administrative, Cultural, Institutional (A)
- Mixed Residential & Administrative (M)
- Open Space (OS)
- Smallholdings (SH)

ROADS

- Major Existing
- Major Proposed
- Agricultural Land Reserve
- Proposed for Exclusion
- Village Boundary

SOURCE: Keremeos, "Keremeos Community Plan [Map]," Okanagan-Similkameen Regional District, Planning Department, [ca. May 1980]; and Keremeos, Keremeos' Community and Settlement Plan, Draft prepared by Okanagan-Similkameen Regional District, Planning Department, October 1979, Map #6, "Agricultural Land Reserve."
purpose and acreage requested and approved for exclusion or non-farm use.¹

The village has no community sewage collection and disposal system, a situation at the root of its applications for exclusion and non-farm use of Reserve land. In 1975 the village sought the exclusion of 25 acres of land for housing sites because most available infill land on the lower bench could not be developed until a sewage system was installed. The exclusion sought was approved. In 1977 the owner of a 10-acre site adjacent to the village boundary unsuccessfully sought approval on behalf of the village for use of the site for sewage treatment and disposal. Immediately following that refusal by the Commission, the regional district applied for the non-farm use of the site under new provisions of the Act. Approval was refused by cabinet on the Commission's recommendation, but only after appointment by the Environment and Land Use Committee of an inter-departmental Task Group to evaluate alternative sites.

4.1 1975 Exclusion Application: Residential

4.1.1. Application Narrative

In 1975, Keremeos applied for the exclusion of 25 acres on the upper bench for housing. (See Map 1 for location.) In its application, the village argued that there was a shortage of residential land in the lower bench area because much of the area was unsuitable for septic tank operation and the limited quantity of suitable land was not coming onto the market rapidly enough.
The Commission recommended exclusion of only the southern third of the land sought. This strip bounded a proposed sewer line and its development would "facilitate" installation of the sewage line. The land was of high agricultural capability, especially if irrigated, and the proposed sewer system would make available the very large infill potential of the lower bench.

The village immediately sought the Commission's reconsideration of its recommendation. It argued the amount of land recommended for exclusion would not be sufficient until the sewer system was installed, the land remaining in the Reserve was subdivided into lots too small to farm, and the exclusion of this area as a whole would reduce housing pressure on more viable farmland in the area.

In February, 1976, the Commission accepted these arguments and recommended the exclusion of the entire 25 acres sought by the village. The Commission also accepted the suggestions of the village planner that housing should be oriented to the south, away from the agricultural land to the north of the excluded area, and that a large fence to separate agricultural and residential uses be a condition of the exclusion. Cabinet rejected the fencing as a condition of the exclusion.

4.1.2. Process Inputs and Environment

The Commission's first recommendation was based on extensive information provided by the village's planner,
the planning director for the regional district. The Commission concluded from this information that the supply of developable infill land on the lower bench was shortly to be enhanced by a sewer system and that installation of a sewer line was planned for existing upper bench residences. The Commission may also have felt that the land at first refused for exclusion was of higher agricultural capability than the southern strip, although this is not documented in its formal recommendation. 2

In fact, the upper bench sewer line was deleted from the system design at the request of residents there during 1975. The Commission's second recommendation to exclude all 25 acres was based on a clarification of the delays likely in sewer system installation.

4.2 1977 and 1978 Non-Farm Use Applications: Sewage Treatment Plant and Effluent Disposal

4.2.1. Application Narrative

By 1977, after a long search for an available and suitable site, the village's engineers settled on a site for a sewage treatment plant and ground disposal site for effluent. Earlier sites had been refused a Pollution Control permit, as had discharge to the river of effluent from secondary treatment. After the village took an option on a 10-acre site, the engineers, on behalf of the owners, applied in April for permission to use the site for non-farm purposes. The application argued that alternative sites
had been found wanting or were not available after a three year search.

The site had, by the time of the application, become a contentious local issue, and the Commission received correspondence supporting and opposing the application. In October the Commission refused permission for non-farm use as a sewer facilities site, citing the high agricultural capability of the larger 65-acre parcel of which the 10 acres formed a corner. The larger parcel would be more difficult to farm if the 10 acres were in another use, and the sewage facilities should be located on lower capability land.

Immediately the regional district reapplied on behalf of the village for non-agricultural use of the site under the new provisions of the Act. Local government non-farm use applications could be made under the same procedures as block exclusion applications, with the Commission making a recommendation to cabinet for a final decision. The regional district had held the required public hearing which the new provisions also required. Accompanying its January, 1978, application to the Commission were further submissions by the village engineers and a large number of letters in opposition to the application and to the sewage treatment and disposal facilities.

The Commission recommended refusal, reiterating its previously stated objections to the project site and adding criticism of the engineer's evaluation of alternative sites.
The criticism was based on advice sought and received from a Department of Agriculture engineer, and centred on the inconsistent evaluation given various alternative sites over the years. The Commission also formally noted the almost unanimous public opposition to the proposal.

The Environment and Land Use Committee of cabinet was unable to decide on the application and appointed an inter-agency Task Group to report on sewage treatment and disposal alternatives. The Group's recommendation for a lower bench treatment site and river disposal led to a final rejection of the regional district's application by cabinet. The village subsequently proposed a second lower bench site, which was successfully opposed by downstream users because of implications for river water quality. Eventually (1981), the Task Group proposal was implemented after further opposition and a Pollution Control Board hearing.

4.2.2. Process Inputs and Environment

The Commission's persistent assertion that alternative sewage treatment and disposal sites had not been adequately investigated is quite remarkable. The village's engineers presented voluminous data and correspondence on their search for treatment and disposal sites and design approaches to various site alternatives. However, the Department of Agriculture engineer, who advised the Commission, asserted that the sites had not been consistently evaluated for physical suitability for proposed combinations of treatment
and disposal. People objecting to the subject site added to the Commission's skepticism by making further suggestions for sites.

The opposition to the two applications arose from upper bench property owners who did not want sewage treatment and disposal facilities near their homes or businesses. They objected to the nuisance of odour and effect on property values, condemned the loss of such high quality agricultural land, and suggested that effluent seepage would impair the quality of water obtained from lower bench wells. Their position supported the Commission's, although they stressed different concerns. Their position was, however, ultimately in conflict with the interests of the downstream residents of Cawston who vehemently opposed the alternative of river disposal. The Cawston group eventually found regulatory support in a Pollution Control Board hearing which withdrew the permit issued for a second lower bench site. (In 1981, however, the Pollution Control permit issued for the Task Group site was upheld at a similar hearing.) Presumably, throughout these applications and hearings, the interests of lower bench property owners were represented by the village council and its engineers.

4.3 The Community Plan

The Keremeos Official Community Plan/Official Settlement Plan draft, prepared during 1979 and 1980 by regional district planning staff, is comprised of policies for both village and fringe area. The community plan was scheduled
for public hearing and adoption at the end of 1980. The objectives of the plan include the protection and preservation of "productive farmland and lands having a high capability for Agriculture"\(^4\) and supporting agricultural activity.\(^5\) To meet the objective of accommodating residential growth and to provide residential choice, rural residential development is to be directed to areas suited for such use. One characteristic required of such areas is that their development will not result in the loss of good agricultural land.\(^6\)

The plan proposes changes in municipal land use and zoning designations and in the Reserves to bring municipal bylaws and the Reserve in line with each other and with existing uses and subdivision patterns. Two areas subdivided into small lots and in urban uses are proposed for exclusion from the Reserve (see Map 2). An area in agricultural use and in the Reserve which is zoned industrial is proposed for agricultural designation. Undeveloped roads in the agricultural area of the village are to be cancelled. An existing small holding area within the Reserve is to be designated as such but left in the Reserve. It is largely subdivided into small lots. The plan shows the extension of the new sewer system to this area, which in combination with the existing water line will result in services capable of supporting development to urban densities. Other development policies include proposals to limit subdivision intrusion on agricultural operations and to avoid high capability agricultural land in locating new roads.
The Commission's comments on the plan support the approach taken. Specifically, the Commission offers its support for a block exclusion application for the two areas proposed for removal in the plan. However, the Commission feels that proposed major roads through the Reserve should and could be rerouted.
NOTES

The British Columbia Provincial Agricultural Land Commission is abbreviated in these notes as BCPALC.

1. Unless otherwise specified, the actions of the Keremeos council, the Commission, and others are documented in BCPALC files as follows:

<table>
<thead>
<tr>
<th>Application Reference No.</th>
<th>BCPALC Application File No.</th>
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<td>O/B-V-77-04286</td>
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<tr>
<td>1978</td>
<td>91(b)-V-78-05883</td>
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</tbody>
</table>

These files are open to public inspection at the Commission's Burnaby office. Community plan comments made by the Commission and related correspondence are found in BCPALC Plan Review file number PL-V-80-09991.

2. Interview with C. Gary Runka, former General Manager and Chairman, BCPALC, Burnaby, 25 September 1980.


5. Ibid., objective no. 3, p. 4.

6. Ibid., objective no. 4(iii)(2), p. 5.
CHAPTER 5

THE CITY OF ARMSTRONG

Armstrong is a small town in the Spallumcheen Valley north of Vernon. Its development outward is constrained by hills in the southern section and an escarpment near its northern boundary, and by a number of substantial Agricultural Land Reserve segments (see Map 3). Two areas of Reserve land continue well within the developed sections of the community, dividing its old commercial area from most residential sections to the west and south and from the major highway along the city's eastern boundary, highway 97A. Much of the central Reserve lands are low lying and relatively wet.

Armstrong's two exclusion applications and a closely related private application (1976) concerned an area adjacent to highway 97A and its intersection with Armstrong's main street. The area was optioned by a developer who proposed a shopping centre and later other commercial developments before the Reserve was designated. Each exclusion was ultimately approved, resulting in a 20-acre commercial site along the highway. Table 10 outlines these applications.1
## TABLE 10
ARMSTRONG APPLICATIONS INCLUDED IN CASE STUDY

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<td>Section of Act or Regulation No.</td>
<td>s. 9(1)</td>
<td>s. 9(1)</td>
<td>s. 9(2)</td>
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<td>Use Proposed</td>
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<td>Commercial, road</td>
<td>Commercial</td>
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<td>Applicant</td>
<td>City</td>
<td>City</td>
<td>Private owner</td>
</tr>
<tr>
<td>Decision Sequence</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Application</td>
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<td>8/75 4</td>
<td>8/76 13</td>
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<td></td>
<td>4/74 4*</td>
<td></td>
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<td>Commission Recommend./Decision</td>
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<tr>
<td>Cabinet Decision</td>
<td>9/74 4</td>
<td>5/76 4</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

SOURCE: BCPALC Application file 91-T-74-02508 91-T-75-02564 92-T-76-02609

* "Application" made before designation of Reserve included a supermarket site, 10 acres in all. When the application was revived after designation, the supermarket proposal had been dropped by its proponent and was also dropped from the City's request for exclusion.
MAP 3

ARMSTRONG
AGRICULTURAL LAND RESERVE AND CASE STUDY APPLICATIONS

- Agricultural Land Reserve
- City Boundary

EXCLUSION APPLICATIONS

APPLICATION OUTCOME

1974 Excluded
1974 Refused

SOURCE: British Columbia, Ministry of the Environment, Surveys and Mapping Branch, "Constituent Sheets 36 & 38, Agricultural Land Reserve Plan for the North Okanagan Regional District"; and British Columbia Provincial Agricultural Land Commission, Application files [see Table 10 above].
### Future Land Use

<table>
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<th>FUTURE LAND USE</th>
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<td>I Industrial</td>
<td>Proposed</td>
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<td>A Agriculture</td>
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<td>O/P Institutional</td>
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<tr>
<td>S Parks</td>
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<td>SCHO School</td>
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</table>

**Agricultural Land Reserve**

**Transportation**
- Major Roads
- Existing
- Proposed
- City Boundary

**Map 4**

**Armsstrong Community Plan**

**Figure One, "Future Land Use Plan" and Figure Four, "Proposed Roadway Network."**

5.1 1974 Exclusion Application: Shopping Centre

5.1.1. Application Narrative

The City of Armstrong wrote the Commission during the Reserve designation process requesting that a 10-acre site next to highway 97A not be included in the Reserve since it was wanted for a supermarket and shopping centre, and the Commission agreed to consider this request. In the event, the land was included in the Reserve boundary.

The City's request was reactivated in March, 1974, reduced to 4 acres to accommodate the shopping centre proposal. In its earlier request the city had argued that there were no sites available for a shopping centre in the old business district and that the community needed the tax revenues and shopping facilities the centre would provide. The parcels in question could be easily serviced by simple extension of city systems. Letters from local merchants were submitted to show that there was no opposition from existing businesses to the centre development. The Commission's recommendation in May accepted these letters as evidence that the centre would not be detrimental to the existing downtown. Later correspondence suggested this decision was taken reluctantly and influenced by the unsuitable existing location of the British Columbia Liquor Commission outlet and Hydro substation immediately north of the shopping centre site.
5.1.2. Process Inputs and Environment

During the Reserve designation process, the Commission had been provided with information from the shopping centre developer, who had an option on the site and area to the south and east of it (see Applications 1975 and 1976). The developer initiated and actively participated in the application process. Thus the Commission was apprised of his intentions to develop the entire area on which he had an option, approximately 25 acres. The Commission's recommendation on the 1974 application makes no reference to this information. As it turned out, the information on hand from the developer did not contain crucial data about the transportation and access implications of the shopping centre or of later commercial development intended for the area.

The Commission took the peculiar position at the time of Reserve designation and later that the desirability of the shopping centre on the proposed site was a matter of its impact on the existing and historic business area. In view of the city's eagerness for the shopping centre and the reported views of residents about existing shopping facilities, it would have been unlikely that the Commission would receive any local support for its position against a popular proposal.

5.2 1975 Exclusion Application: Access Road and Highway Commercial

5.2.1. Application Narrative

In the following year, the construction of the shopping centre was refused approval by the Department of Highways
because no provision was made for a previously agreed improvement of access to the centre from highway 97A. The Department wanted the main access to the centre from highway 97A to avoid the dangerous intersection of Pleasant Valley Road, Armstrong's main street, and the highway. The city, in August 1975, therefore applied for the exclusion of land for a direct link between the frontage road serving the shopping centre city (Smith) and 97A, and for the parcel thereby enclosed. The city argued that there was a shortage of commercial sites in Armstrong, that the Department of Highways required the new access road to be built, and that the access would also provide a safer access to the city as a whole. The Commission recommended refusal of the application on the grounds that no evidence was presented for the need for more commercial sites, more sites on the highway would be detrimental to the existing downtown area, and that the earlier shopping centre exclusion was only reluctantly approved.

Upon the request of the area Member of the Legislative Assembly and the Department of Highways, the Commission agreed to reconsider its recommendation in October, 1975. The reconsideration was based on detailed plans from the Department of Highways. Highways claimed it was faced with the shopping centre as a fait accompli and was just trying to make the best of a bad bargain to improve access to the city, including an improved road network to western portions. In December, the Commission again recommended against the
exclusion, basing its decision now on the negative impact that the Department of Highways network plans would have on Reserve land in Armstrong.

The city again sought reconsideration in February, 1976, reiterating its previous arguments. The Department of Highways then submitted plans at the Commission's request showing that the only alternative way to eliminate the dangerous intersection and improve the access to Armstrong would involve encroachment of a realigned 97A on operating farms immediately east of the existing intersection. The regional district plan now showed the area along 97A for future commercial development. The Commission changed its recommendation in April, 1976, to approval of the exclusion application. This decision was based on the regional district plan designation and the need to correct the existing dangerous intersection. The Commission added that it would not support further urban uses in the Reserve south and west of the subject area.

5.2.2. Process Inputs and Environment

Although it had received information on the long term plans of the developer for the entire area along 97A, the Commission received information on Department of Highways road network plans for Armstrong through the series of reconsiderations of this application. The application itself was the first indication of the full access implications of the shopping centre. Network plans for other areas of Armstrong
were revealed next, and finally the very expensive realignment eastwards of 97A.

It appears that the city, the shopping centre developer and the Department of Highways used their disagreements to gain the Commission's approval of a mutually preferred solution. Highways obtained a relatively cheap solution to a long-standing problem, partially financed by the developer. The developer got a very direct access between the highway and his shopping centre, and as it turned out, other commercial land in the area in which he had an interest. The city obtained assistance in eliminating a safety hazard. Once the shopping centre had been approved by the city and Commission, Highways was in a position to bring pressure to bear for its preferred access alignment.

5.3 1976 Private Exclusion Application: Highway Commercial

5.3.1. Application Narrative

Within a few months the developer of the shopping centre applied on his own behalf to have land to the south and west of the shopping centre excluded for commercial expansion. The city supported the application and the mayor and an alderman attended the Commission hearing. The Commission had contacted the city enquiring about its policies regarding alternative sites for urban development, and the city had reiterated its earlier arguments, noting also the land immediately south of the old business district was too wet to develop. The developer argued that the land he sought
was separated from farmland by the highway so that its commercial use would not intrude on agricultural land. Its proposed development would permit further road improvements in the city by allowing for westwards connections. The newly appointed Commission approved the application in February, 1977.

5.3.2. Process Inputs and Environment

Although the Commission does not issue a rationale for its decisions on private applications, it seems that the Commission's decision to exclude this third area of the developer's original 1973 proposal was finally a recognition that the two previous exclusions had effectively removed the feasibility of farming the remaining, southern portion.  

5.4 The Community Plan

The Armstrong Official Community Plan, dated June, 1979, does not designate urban land uses for the Reserve lands within the city. A workshop to develop community goals for the plan did not identify the Reserve as an issue, nor, consequently, its preservation as a goal. However, as a development objective, the provincial government's policies for agricultural land are to be respected in the city, even if these policies have no strong local commitment.

Much of the undeveloped land in the city is within the Reserve, and the plan policies propose a strategy to determine the location of future residential development after existing
subdivided residential land is infilled. The city also has undertaken to consider residential development at higher density in its residential land use policies. The city is to request a detailed soil analysis, from the Commission, of the Reserve in the northern and southwestern areas of the city to determine areas of least agricultural consequence. Following on this determination, when demand for development sites can be demonstrated, the Council will support exclusion applications for residential and industrial purposes. Similarly, when the need for industrial sites is demonstrated, council will support exclusion of appropriate lands. 9 Within the railway loop, the area in the Reserve immediately east of the existing industrial site is mentioned as an "ideal location" for industrial expansion but not indicated as such on the land use map. 10 This plan had not been referred to the Commission up to October, 1980.

As well as considering strategies for making Reserve lands available for future residential and industrial development, the plan proposes a future road network through the Reserve. A low-priority link to the southwest is suggested to extend Rosedale through the Reserve to Otter Lake Road. As part of a scheme to improve downtown circulation and parking, a high priority connection is proposed across the Reserve segment between the downtown and shopping centre in order to link Patterson Ave. to Smith Road and, thence via the new access road, to highway 97A. 11 The community goal workshop indicated special concern with
downtown circulation and access road improvements. Once the commitment to these improvements was made, in line with requirements for community plan contents, both physical constraints and financial subsidies appear to have contributed to the high priority Patterson-Smith-97A road link proposal.

The plan policies on commercial development intend to maintain the existing separation, comprised of Reserve areas, between the downtown core and the auto-oriented shopping mall. Low lying Reserve lands near the downtown area are proposed for acquisition for parks accessible to the city centre and higher density residential areas proposed nearby.

The strategy set out in the plan for deciding the eventual location of future development on Reserve land within the city was the subject of disagreement with the council, the community and between the city's planning consultant and council. The planner and some members of the community preferred that the best areas for residential development be specified in the plan and that development phasing should be indicated by incorporating these areas. At least some members of council preferred to avoid a conflict with the Commission over this issue, and with landowners as well. Therefore the approach taken in the plan is to postpone this issue, and to suggest it can be resolved on the technical grounds of soil quality. Nevertheless, increasing pressures from immigrants and the opportunity they create for land subdivision, sales and development will, in the view of the
mayor and the planner, lead to further applications for exclusion supported by the city within the five-year plan period, as soon as the need can be proven.14
NOTES

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1. Unless otherwise specified, the actions of the Armstrong council, the Commission and others are documented in BCPALC files as follows:

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<td>92-T-76-02609</td>
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2. Interview with Mayor M. Kirton, Armstrong, 28 May 1980.

3. Interview, Kirton.


5. Armstrong, *City of Armstrong Official Community Plan*, Prepared by Stanley Associates Engineering Ltd., July 1979, Figure One, "Future Land Use Plan."


8. Interviews, Kirton and Lainsbury.


10. Ibid., p. 13.

11. Ibid., pp. 32-4 and Figure 4, "Proposed Roadway Network."

12. Interview, Lainsbury.


CHAPTER 6

THE DISTRICT MUNICIPALITY OF SALMON ARM

A municipality of over 9000 people on Shuswap Lake, Salmon Arm was formed by the amalgamation in 1971 of the village and surrounding district municipality. Salmon Arm is comprised of a relatively compact commercial and residential core, the former village, surrounded by scattered small subdivisions throughout an area east and north of this core, surrounded in turn by a rural area of hills and farming areas. The subdivision area has been intended for serviced residential development for a number of years, and zoned accordingly. The remainder of the municipality outside the subdivision area is essentially rural and coincides with the Agricultural Land Reserve except for mountainous sections on the periphery. Extensive Reserve lands exist south and west of the core area in the Salmon River Valley and north and east of the subdivision area on the rolling bench lands and creek valley. (See Map 5.) The Salmon River Valley is an area of mixed farming; the bench areas have been planted in orchards.

In 1972, the municipality received a study from its engineers delineating a sewerage area. This area roughly coincided with the subdivision area established by zoning.
and, now, with the Reserve boundary outside the Salmon River Valley. Sewer mains have subsequently been installed in the sewer area.¹

The municipality followed up its early efforts to have lands removed from the farmland freeze by seeking the exclusion of land near the boundary between the subdivision area and the Reserve. Municipal development policies related to financing servicing programs appear to have motivated more recent applications. One application, in 1975 (1975C), unsuccessfully sought 80 acres of land in the Salmon River Valley as a site for a sewage treatment and effluent storage facility for spray irrigation. The first application made in 1975 comprised a fine-tuning of the Reserve boundary (1975A). The series of applications made in 1978 and 1979 concerned a road right-of-way and adjoining land. Table 11 outlines the nature of the case study applications.

6.1 1975A Exclusion Application: Various Uses Proposed

6.1.1. Application Narrative

Following the designation of the Reserve plan in September 1974, Salmon Arm applied to exclude 14 sites along the boundary dividing the sewage-subdivision area and the Reserve. The sewage funding bylaw received Ministerial approval during the same month, October. The municipality argued in its application that it had made commitments to subdivision and development in its previous planning and zoning bylaw and its sewerage installation plans, so that the
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SOURCE: BCPALC Application file no. 0/B-H-78-05884 91-H-78-06490 91a-H-79-09782
Agricultural Land Reserve & Case Study Applications

APPLICATIONS: For Exclusion, Use
- once
- twice

Excluded, Permitted, Reference No. 1975A, Site 1
1975C Refused

Municipal Boundary

Agricultural Land Reserve APPLICATIONS:
- For Exclusion, Use once
- twice

Site 7 of 1975A-7 Application
1978A
1978B
1978C

SOURCE: See Map 5 above.
sites should be removed from the Reserve in line with these earlier commitments. Three of the 14 sites had been removed earlier from the farmland freeze; another site was wanted for community recreation; others were sought to promote efficient servicing of road frontage. Many were affected by subdivision and development proposals in various stages of commitment. The Commission recommended the exclusion of 8 of the 14 sites, basing its position on agricultural capability and on the degree of commitment of each parcel to subdivision and development as measured by the earlier Environment and Land Use Committee decision regarding the land freeze, municipal zoning, and development approvals and servicing plans.

Following the Commission's recommendations to cabinet in February, 1975, both the municipality and the local member of the legislative assembly requested reconsideration of parcel number 11, at the west end of the developed urban area and on the edge of the Salmon River Valley farming area. The Commission had recommended its retention in the Reserve. The parcel had been optioned in February, during the application process, by the Mainline Co-operative Society for a major shopping centre, a long-planned consolidation of its operations onto one site. The cabinet decision in May followed the Commission's original recommendation.

6.1.2. Process Inputs and Environment

The Commission's recommendation on the 14 separate areas varied with the nature and location of each. The
information available to the Commission relating to prior development commitment included the status of subdivision and development approvals, and the municipality's servicing intentions embodied in municipal zoning and sewerage plans and provincial confirmation of the sewerage plans. One site was the location of a proposed municipal recreation area. Aerial photos were available to assess existing use and development. Agricultural capability data was collected for the parcels. The Commission's evaluation of the information constituted a mini-boundary review of the Reserve, which may have been necessary because there was no regional district input in the Reserve designation process and poor local information available during the process.²

In applying shortly after the designation to have a number of sites on the edge of the Reserve removed, Salmon Arm was satisfying the expectations of various owners and developers that the municipality would try to ensure they could develop their land. The municipality was thus showing good faith to its constituents in upholding its previous commitments manifested through zoning and sewer plans.³

The approval by the province in October 1974 of a sewerage loan bylaw tended to undercut the recently established Reserve boundaries. This was because Salmon Arm would not consider phasing the installation of a collection system, even though the subdivision/sewer area contains sufficient land to house up to 30,000 people at single family densities, compared with perhaps 10,000 in 1980 in the entire
municipal area. Phasing could have directed development into preferred infill areas near the village core and away from the Reserve boundary. However, phasing was politically unacceptable, since existing subdivisions were already scattered throughout the entire subdivision/sewer area. Phasing would therefore have meant differential levels of service to parts of the area, an approach which had not been previously signalled to owners by zoning bylaw.

When the Commission informed Salmon Arm of its recommendation on the 14 sites, it suggested the municipality downzone areas in the Reserve outside the subdivision boundary, but did not attempt to obtain downzoning in exchange for the release of the parcels and did not attach this condition to its advice to cabinet. Between its meeting on the application and its advice to cabinet, it added some shallow parcels along roads and the site of the proposed recreation complex to those recommended for exclusion. These changes were based on consultation with municipal officials. The municipality did eventually downzone some areas by decreasing densities through changes in minimum lot sizes from 5 to 10 acres.

The local importance of the Co-operative site, parcel 11, arose after the initial Commission recommendations on the application. The option on the site was taken up only after the Commission's recommendation was conveyed to the municipality. Cabinet refused the exclusion after input from the legislative assembly member and from Salmon Arm
stressing the importance of the shopping centre. The site was considered something of a test case by the Minister of Agriculture, the Commission manager and at least one Commissioner.

6.2 **1975B Exclusion Application: Shopping Centre**

6.2.1. Application Narrative

Salmon Arm immediately reapplied for exclusion of the parcel involved in the proposed Co-operative shopping centre site (1975A-11). In a lengthy brief, the municipality presented a series of rationales for the exclusion. Major points included the contention that the parcel was not essential to retain in agricultural use and would eventually be excluded; that new commercial space to the west of the downtown area was needed and sites were not available there for the necessary shopping centre, much in public demand; and that the Co-op had long planned to consolidate its operations and had the full support of its members (some 7800) especially following a recent fire in an existing building and notice to vacate another site held on short-term lease.

Salmon Arm was also concerned that unless this shopping centre were able to proceed, the council would be forced to accept one or both of two less desirably located shopping centre proposals. The municipality was willing to rezone for agriculture some 150 acres along the highway, so that the net change in Reserve lands or agricultural acreage would be positive. After a hasty search by its staff for alternative
sites and a deluge of form letters from 2000 Co-op members supporting the exclusion, the Commission reluctantly recommended the release of the parcel. Their reluctance stemmed from the danger of intrusion of a shopping centre into the high capability agricultural land of the Salmon River Valley west of the municipal core and pressures for future road improvements there which might follow the shopping centre development.

6.2.2. Process Inputs and Environment

Salmon Arm's reapplication specified the existing commercial sites which were available and why the municipality considered them poorly located compared with the subject site. The co-op had rejected them because of size or price or both. A fire in one of the Co-op's major retailing locations a few months after the application was made foreclosed their option of continuing to operate in their various scattered locations.

The Commission supplemented this information by a brief telephone investigation of two other major commercial sites. This investigation revealed that unresolvable personality and other issues related to site ownership and option holders entered into their evaluation by the Co-op and Salmon Arm. To locate other sites and successfully option them looked like taking several months of negotiation.

Meanwhile the Co-op mounted a very public campaign and involved its members from a wide surrounding rural area
in a mimeographed form letter-signing effort, supported vigorously in Victoria by the member of the legislative assembly.

The proposal by Salmon Arm, that it trade rezoning from urban use to agricultural for the release of the parcel was not taken up by the Commission. The municipality argued vigorously for the Co-op's viewpoint, but there is some indication that it had wanted the shopping centre to be built on a site it owned on the highway. Because it sought to recoup its investment, the price it asked was well above that of the more remote and larger site in the Reserve. 5

6.3 1975C Non-Farm Use Application: Sewage Treatment and Effluent Storage

6.3.1. Application Narrative

In February, 1975, Salmon Arm also sought permission for non-farm use of an 80-acre site in the middle of the fertile Salmon River Valley. The site was to be part of the municipality's new sewage collection, treatment, and disposal system. The municipality had taken an option on the site, which was at the time partially occupied by an unpaved, private airstrip. The rest of the parcel was in forage. The municipality intended to construct a treatment plant and effluent holding or storage ponds there. Effluent disposal was to be by spray irrigation. Contracts for new trunk sewers were in the process of being let.

Salmon Arm stated that the site was less actively farmed than others in the river valley, since the airstrip
limited farm use. The municipality's engineers had recommended the site after considering its feasibility, environmental effects, and the "public interest". The Pollution Control Branch had approved the site for treatment and storage, but had not yet approved disposal through spray irrigation. Such a method would be beneficial because of increasingly scarce irrigation water in the area.

Coinciding with Salmon Arm's application, the Commission received letters from four nearby farmers and a petition from the same area objecting to the municipal proposal. Their objections centred on the impact of effluent storage and spraying on prime agricultural land with slow drainage.

At the end of March the Commission informed the municipality that it was reluctant to approve the proposed use since the site was good agricultural land. The Commission wondered if the Pollution Control Branch would approve storage so close to the River and noted the letters objecting to the proposal. In April, after receiving a report that a Chamber of Commerce survey in Salmon Arm showed residents opposed to lake disposal of sewage effluent, the alternative at hand, the Commission reconfirmed its opposition to a treatment plant on the site. Instead, the Commission suggested a foreshore site on the lake for treatment, and stated that it favoured spray irrigation for disposal. Commission staff had contacted Pollution Control officials, and they would not object to the foreshore treatment site.
At this point a meeting was arranged for May between the Commission Chairman, representatives of Valley farmers, and the municipality. Between April and June, 1975, Salmon Arm decided to locate the treatment plant on the foreshore site. The issue then became the location of sites for effluent storage and for spray irrigation. Five alternatives, including the subject site, were investigated by the Chairman of the Commission at the time of the May meeting. As a result, the Commission's final reconfirmation of its decision to refuse permission for the 80-acres valley site noted that treatment was now planned for the foreshore site, that a storage site location should depend on the spray site selected by a current study, that the Commission felt the best site to be one in the southeast corner of the municipal area but that it would consider all sites proposed except the subject of the present application.

6.3.2. Process Inputs and Environment

To date, the municipality has not located or developed an effluent storage or spray irrigation site. The new sewage treatment plant has been constructed on the foreshore and discharges into the Salmon Arm of Shuswap Lake. The southeastern storage and disposal location was judged unsuitable, and negotiations for a preferred site on benchlands in Indian Reserve 3 were unsuccessful.⁶

The Commission made a concerted effort to assist Salmon Arm to find an alternative sewage treatment and effluent
storage site. The Commission received support for its decision to refuse the application by farmers whose land surrounded the proposed site, and from the local member of the legislative assembly. The municipality had obtained its own data on the agricultural capability rating of the site. The Commission was also able to develop its own soils and engineering data for evaluating the alternative sites.

6.4 1978A Non-Farm Use Application: Road Right-of-Way, and 1978B Exclusion Application: Residential

6.4.1. 1978A Application Narrative

The next set of applications from the municipality for exclusions from the Reserve revolved around a road right-of-way forming an important and costly component of proposals towards a future road network. The road would join two existing segments to form a route around the slopes of Mount Ida at the southern edge of present urban development. (See Map 6.) In early 1978 the Commission approved the dedication for road use of the proposed right-of-way. The Commission refused a request to commit itself to future exclusion of adjacent parcels, a request made by Salmon Arm to further its negotiations with property owners of the right-of-way in order to avoid expropriation and presumably reduce the road costs to the municipality. The Commission did indicate it would not object to the exclusion of severed parcels north of the right-of-way, separated from the main body of the Reserve and too small to farm.
6.4.2. 1978B Application Narrative

In March, 1978, Salmon Arm sought exclusion of 44 acres on the north and south of the roadway right-of-way (1978A) to further negotiations with owners of the right-of-way. The municipality questioned the agricultural capability of the narrow benchlands and pointed to their desirability as a residential area. The Commission recommended release only of lands to the north of the proposed road, stating that the land has agricultural capability for tree fruits, the municipality had not shown the need for additional residential land, and that the severed remnants north of the road were now unsuitable for farming. The municipality apparently entered a final argument at a meeting between the Minister of Highways and Public works, the legislative assembly member, and a council member. The cabinet decision agreed with the Commission's recommendations to retain lands to the south of the roadway in the Reserve.

6.4.3. Process Inputs and Environment

The Commission based its decision on the second 1978 application on the agricultural capability of the severed parcels. The capability received a somewhat lukewarm evaluation by the District Horticulturalist and regional Soil Specialist. He affirmed that the parcels north and south of the road could again produce tree fruits on a commercial basis with the application of considerable inputs to the abandoned land.
Salmon Arm was quite open in its wish to use the Reserve as a bargaining tool to further its road improvement plans, and from the beginning hinted it might apply for exclusion of the entire area if its more moderate requests purely in the interests of negotiating with the owners of the road right-of-way were not satisfied. The municipality accepts that it can not claim urban need as a reason for exclusion. The Auto Road is a municipal project of long standing, and exclusion of land on both sides of the right-of-way would reduce acquisition costs for the municipality by allowing a trade of municipal up-zoning of the adjacent land for the right-of-way once the land was out of Commission control. Expropriation proceedings could be avoided.

Salmon Arm pursued its application after the Commission's recommendation by contacting the Minister of Highways and Public Works to set up a meeting with him for their MLA and an alderman.

6.5 1979 Exclusion Application: Residential

6.5.1. Application Narrative

True to its word, in 1979 Salmon Arm expanded on the 1978 applications by seeking the exclusion of a much larger area south of the proposed road—the remaining Reserve lands on the benches between the urban area and the mountain slopes, an area of over 100 acres. The municipality added the points that adjacent urban development, slope
conditions, and official subregional plan designation supported removal from the Reserve for urban development, as did the public interest in obtaining the road right of way at a reasonable price and without unpopular expropriation proceedings. The regional district commented that the area was physically isolated from other Reserve lands and that release of an adjacent parcel in 1975 (1975A-7) had cast the die for the area under consideration. Following a site visit, the Commission recommended exclusion, citing the topography and relative isolation from other Reserve lands, both of which seemed "to limit the suitability" of the area for agriculture. Cabinet approved the exclusion in October, 1980.

6.5.2. Process Inputs and Environment

The Commission's 1980 exclusion recommendation, for 108 acres which included 30 acres south of the road right-of-way refused in the previous application, seems to have been largely based on a site visit by the Commission in the company of municipal and regional district officials and the local member of the B.C. Federation of Agriculture Farmer's Advisory Committee. The regional district's arguments, made forcefully in support of the municipality, also seem to have carried weight in Commission analyses of the isolation of the site from other Reserve segments. As well, the Regional District's recent subregional plan designates the area as suitable for eventual urban use, a designation based on land suitability. This designation brings the subregional
plan into conformity with the Salmon Arm official community plan and removes the necessity for the municipality to seek regional district approval for development. This arrangement is seen as desirable by the regional district board, since it reduces friction between the local governments.  

6.6 The Community Plan

The Salmon Arm Official Community Plan was adopted in January, 1980. It is based on earlier planning done in 1971 and 1974. In addition to objectives such as efficient and economical growth, sites for industrial and commercial uses, housing and trunk servicing, the plan states that it is a District objective to "maintain the viability of good agricultural land, and protect it from unnecessary or premature conversion to other uses." The plan has been reviewed by the Commission but not by the Ministry of Municipal Affairs.

Outside the Salmon River and Deep Creek valleys, the plan suggests two other uses for Reserve land: small lot urban development in a few areas along the subdivision area-Reserve boundary and potential acreage residential in the remainder of the Reserve. The latter use will depend on whether the land has a high agricultural capability and whether its water servicing is adequate for residential uses. The plan states that the entire Reserve should be reviewed in light of its capability ratings.

With an abundance of land available and serviced for urban residential development within its subdivision area,
Salmon Arm seeks to ensure that it can also offer potential residents the option of smallholdings or acreage residential sites in much of the remaining area outside the Salmon River Valley. To this end it has provided for such uses in its community plan so that interested owners and developers can use the plan to back up their applications to the Commission for permission to subdivide. 14

The Commission reviewed the plan in late 1979. The Commission felt it could not support the release of lands from the Reserve suggested by the plan because no urban need for the lands was demonstrated. However, in March, 1980, the Commission recommended the exclusion of one of the areas slated for small lot development which was the subject of the municipality's 1979 application. Commission staff have expressed willingness to cooperate with municipal officials in reevaluating the agricultural capability of some areas within the Reserve which the municipality considers of low capability. In light of the Commission's decision on the 1979 exclusion application, such a reevaluation might indeed lead to the development of Reserve lands advocated in the plan.
NOTES

The British Columbia Provincial Agricultural Land Commission is abbreviated in these notes as BCPALC.

1. Unless otherwise specified, the actions of the Salmon Arm council, the Commission and others are documented in BCPALC files as follows:

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Community plan comments by the Commission and related correspondence are found in BCPALC Plan Review file number PL-H-80-09990.

2. Interview with Tony Pellett, Planning Director, Columbia-Shuswap Regional District, Salmon Arm, 30 May 1980.

3. Interviews, Pellett and with John Sutherland, Planning Officer, Salmon Arm District Municipality, 30 May 1980.


5. Interview, Pellett.

6. Interviews with Mr. Harrington, Dayton and Knight Ltd., Consulting Engineers, West Vancouver, 14 May 1980 and with Sutherland.

7. Columbia Shuswap Regional District, Deep Creek-Canoe Creek Official Sub-Regional Plan By-law, No. 304, [Salmon Arm], Adopted 17 January 1980.

8. Members are appointed by the Federation on a regional district basis to provide advice to the Commission on request. British Columbia Federation of Agriculture, "Guidelines for the Farmer Advisors to the B.C. Land Commission Nominated by the B.C. Federation of Agriculture" (mimeo, [Victoria], [current, 1980]).


11. Ibid., p. 3.


13. Salmon Arm, Plan, pp. 9, 18-19, 22, 26, and Figure 5.

14. Interviews, Mann and Sutherland.
CHAPTER 7

THE VILLAGE OF 100 MILE HOUSE

A village of 1,600 in 1976, 100 Mile House is located north of a range of hills along Bridge Creek and highway 97 on the Cariboo Plateau. Its site is at the southern edge of a large ranch owned by Bridge Creek Estate Ltd. Until 1965, the Estate company controlled development in the village through a leasehold system: "Thus an orderly development of both business . . . and residential property was assured."¹ Most development in the village since 1965, when the village was incorporated, has taken place in Bridge Creek Estate subdivisions, and the resulting pattern is uncharacteristically compact for a small rural town. The close relationship between the village and the Estate has been reflected for over a decade in the person of the Mayor and Estate President, Ross Marks.

Developable land within the village is outside the Reserve, or has been supported for exclusion by the Commission. The Reserve boundary coincides with much of the village boundary, and an industrial area adjacent to the village on the north is imbedded in the Reserve. Major Commission contacts have been with the village directly or with Bridge Creek Estate as the major land owner in the
Exclusion applications, and later negotiations related to the community plan and a Reserve boundary review in the area, have concerned the industrial area immediately north and west of the village proper and residential expansion into the Reserve segment south of the village.\(^2\)

7.1 1975 Exclusion Application: Residential and Industrial

7.1.1. Application Narrative

In January 1975 the village mayor contacted the Commission to complain that the designated Reserve plan (November, 1974) had ignored the village's proposals, so that the village was left without lands to accommodate five years growth in accordance with their earlier planning and the Commission's stated designation policies. The mayor asked the Commission to review the situation and advise him on how to proceed. Both areas of concern were outside the village boundaries, which coincided at that time with the developed urban area. This contact occurred in the context of a concerted critique of the Cariboo Reserve by municipal and regional elected representatives.\(^3\) After visits to the area by Commission staff, the Commission considered the exclusion of the two areas sought: one north of the village on Exeter Road for industrial purposes, and one south of the village for residential purposes. (See Map 8.)

The village stressed its careful policy of compact, staged development and preliminary planning for residential
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**SOURCE:** BCPALC Application File 91-D-75-02551 92-D-79-09097
MAP 8

100 MILE HOUSE
AGRICULTURAL LAND RESERVE &
CASE STUDY APPLICATIONS

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--- Village Boundary, 1979
--- Village Boundary, 1975

SOURCE: British Columbia, Ministry of the Environment, Surveys & Mapping Branch, "Constituent Sheet 1, Agricultural Land Reserve Plan for the Cariboo Regional District; and British Columbia Provincial Agricultural Land Commission, Application files [see Table 12 above].
100 MILE HOUSE COMMUNITY PLAN

FUTURE LAND USE

R Residential
C Commercial
I Industrial
P Institutional
Sch School
OS Open Space, Recreation, Park

Agricultural Land Reserve
-Existing
-Future Exclusion Supported by Land Commission

Major Roads
---- Village Boundary

development of the area required and the logical direction southward for efficiently serviced new development. No land was available for light industrial uses in the village and the area requested on Exeter Road was a logical extension of existing development there.

The Commission recommended the release of part of both areas sought following a formal application from the regional district on behalf of the village. The Commission cited the lack of alternatives for residential and industrial development, and also noted the effect of existing industrial uses on the agricultural suitability of the parcels for industrial development. Half of the proposed residential area, deemed sufficient for five years growth, was released. The Commission recommended that the easterly portion of the industrial site be retained in the Reserve as a link between ranch buildings and grazing area. The Commission recognized Exeter Road was already an area of industrial activity. Cabinet concurred with the Commission's recommendation.

7.1.2. Process Inputs and Environment

The information on agricultural suitability of the industrial site was obtained from Commission staff visits to the area and consultation with the village. Similarly, information on available residential lots was obtained from the village during the staff visit there. Few vacant residential sites remained in subdivisions under development in the village. Staff calculations of the capacity of the proposed residential site estimated it would fill 10 years'
demand. The estimate was based on recent construction trends, and its calculation simplified by the land's ownership by a single developer and the absence of infill sites in the compact village.

The 1975 application by the village was couched in terms of a complaint about the Reserve plan designated two months earlier. The application appears to have been part of an orchestrated critique of the Reserve by the regional district board and certain other municipalities in the area. The exclusions sought were for areas for which the owner had begun development planning and design by 1972. The development of the village had proceeded in line with Bridge Creek Estate decisions to make land available, on a phased basis, as had concomitant municipal boundary extensions. The situation is one of phased, compact development by a single developer-owner.

7.2 1979 Exclusion Application: Industrial

7.2.1. Application Narrative

In 1979 the exclusion of further areas of the Exeter Road industrial area was sought by the owner, Bridge Creek Estate. The applicant pointed out the absence of light industrial sites near the village, and argued that since the sites had never been used in their ranching operations, it would not disrupt them to remove the land from the Reserve. The area was rezoned and subdivided for light industrial use. The regional district noted the land's designation in the official settlement plan draft for industrial uses.
In deciding to allow the exclusion, the Commission noted the applicant's arguments, the settlement plan proposals, the surrounding industrial uses and their impact on its potential use for spring grazing, and the regional district's support for the exclusion. The Commission required the owner to fence the site with barbed wire along the new Reserve boundary.

7.2.2. Process Inputs and Environment

Bridge Creek's application to exclude more land in the Exeter Road industrial area was made concurrently with the completion of a draft settlement/community plan and a major Reserve boundary review in the surrounding area carried out by the Commission. It appears to have followed upon unsuccessful negotiations with provincial agencies to develop an industrial area owned by B.C. Rail and the Crown well south of the village outside the Reserve.  

7.3 Future Exclusions Recommended in Response to the Community Plan

The Commission staff report on the 1979 application suggested the Commission allow the exclusion, whose industrial use is suggested in the plan, but "draw the line" on further development in the area. This stipulation was not included in the Commission's decision on the application, nor in its comments on the plan.

The remainder of the residential site partially released in the 1975 application and now recommended for release by the Commission in its community plan comments,
has not yet been the subject of an application (October, 1980). It is designated for residential development and shown outside the Reserve in the community plan. The origin of this proposed change in the Reserve is not clear, but it may be on the initiative of the Commission staff in connection with the concurrent boundary review. The suggested exclusion for residential purposes south of the village also includes another major parcel recently purchased by Bridge Creek west of highway 97. The proposal by the Commission in response to the community plan conforms to the intention of Bridge Creek Estate to develop the southern sections of the village in a phased manner. The control of development by a single developer who also owns adjacent agricultural areas gives the Commission an unusual assurance about future development patterns in the Reserve around 100 Mile House. The Commission has been willing to release land for urban development on a longer-term basis than five years.

7.4 The Community Plan

The 100 Mile House Official Settlement/Community Plan was prepared during 1979. The community plan has been forwarded to the Ministry of Municipal Affairs for approval. A major Reserve boundary review of Electoral Areas G and H of the Cariboo Regional District was underway during plan preparation, and Reserve areas within the village were included in the review. In line with recommendations arising out of the review, the plan designates more of the remaining Reserve area south of the developed portions of the village.
as the major future residential development site for the village. Park, recreation and open space consumes the remaining Reserve area between Bridge Creek and the future residential sites. The Commission, after reviewing the community plan draft, indicated it would support the exclusion of the residential sites. Other small portions of Reserve lands remaining within the village are to continue in use for public recreation. The Reserve sections recommended for exclusion remain in the Reserve at present.

Plan proposals for industrial sites include the 56 acres recently excluded by the Commission in the Exeter Road area (1979). The plan points out the difficulties of developing the proposed major industrial park site at some distance south of the village. Its distance from existing services and its slope to the east may preclude development. The single source of conflict between the Commission and village in future appears to be the Exeter Road area in the event the industrial park site cannot be developed.
NOTES

The British Columbia Provincial Agricultural Land Commission is abbreviated in these notes as BCPALC.


2. Unless otherwise specified, the actions of the 100 Mile council, the Commission and others are documented in BCPALC files as follows:

<table>
<thead>
<tr>
<th>Application Reference No.</th>
<th>BCPALC Application File No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1975</td>
<td>91-D-75-02551</td>
</tr>
<tr>
<td>1979</td>
<td>92-D-79-09097</td>
</tr>
</tbody>
</table>

Community plan comments by the Commission and related correspondence are found in BCPALC Plan Review file number PL-D-79-09449.


4. The Mayor's letter seeking adjustment of the Reserve boundaries was dated 16 January 1975, and was sent simultaneously with the Regional District Board meeting and comments by various municipal members of the Board reported in the Williams Lake Tribune, 16 January 1975.

5. Village Clerk Administrator, 100 Mile House to Cariboo Regional District Administrator, 31 October 1973, 100 Mile House file, No. 1-L-11.

6. Personal communication from BCPALC staff.

7. Interview with Mayor Ross Marks, 100 Mile House, 4 June 1980.


9. Ibid., pp. 21-2 and Interview, Marks.
A sawmill and ranching town of 6,000, Merritt has had relatively little contact with the Commission. The city is located on land between the confluence of the Nicola and Coldwater Rivers. Much of the Reserve, designated in August, 1974, within the city runs along the Nicola River and is subject to flooding. Residential areas are fairly compactly developed, with some recent subdivision and development on a hillside area north of the river and main area of the city. Sawmill operations take up large sites on the southern edge of the city.

The single application which the city has made to the Commission is outlined in Table 13.1

8.1 **1977 Exclusion Application: Industrial**

8.1.1. Application Narrative

In 1977 the Town of Merritt sought the Commission's advice on how to proceed with an application to exclude part of a proposed industrial park site which was within the Reserve. The council decided to proceed with a municipal application and submitted their request to the Commission in March. The site is owned by the British
Columbia Development Corporation, who were prepared to develop it jointly with the town. It was not used for agriculture. The town expected that the imminent construction of the Coquihalla Highway, and other highway upgrading in the offing, would bring industry to Merritt. BCDC was actively involved and about to get detailed design underway. The Regional District Board supported the application.

The Commission decided in March to recommend exclusion of the site, noting the town's reasons for its application, because the particular portion of the Reserve involved was a peninsula almost surrounding by lands outside the Reserve.
MERRITT COMMUNITY PLAN

FUTURE LAND USE
R Residential
C Commercial
I Industrial
Sch School
Hosp Hospital
OS Open Space

ROADS
- Major Existing
- Major Proposed
- Agricultural Land Reserve
- Municipal Boundary

SOURCE: Merritt, Town of Merritt Official Community Plan, Prepared by Gordon Petersen et al., [Urban Systems Ltd.], March 1979, Figure 5.2.1, "Proposed Land Use Plan—Short Range," Figure 5.2.2, "Proposed Land Use Plan—Long Range," and Figure 5.9.1, "Roadway Network."
8.1.2. Process Inputs and Environment

The Commission sought additional information on surrounding land use and zoning from the town following the initial application, and the town responded with a map. The agricultural suitability of the land in question was judged by the Commission to warrant its exclusion, because of the nature of surrounding uses and the capability of the site for agricultural uses.

The straightforward processing of Merritt's application was hurried along, after the Commission's decision, by a request from the ELUC Secretariat. The town claimed that public support for the industrial park was strong, and pointed out the interest of the Member of the Legislative Assembly in seeing the development go ahead.

8.2 The Community Plan

The Merritt community plan, prepared during 1978, was adopted in March, 1979. Among its stated purposes are the siting of new development so as to minimize its impact on agricultural land. Among its environmental objectives the plan includes the protection of high capability agricultural land but recognizes that in the long run expansion will impinge on lower capability agricultural lands. Land use policies will conform to this objective by directing urban development on to lands with capability ratings of 4-6.\(^2\)

Land use designations are shown on two maps, a short range and a long range plan.\(^3\) The short range plan
relates to existing municipal boundaries, and accommodates all uses on land outside the Reserve, with the exception of one industrial site and an existing residential subdivision. No time or population horizon is set for the short range plan in the main document, but the plan appendix suggests that the acreage involved would serve at least the "intermediate" population horizon of 8500 (requiring 73 acres to accommodate in new developments) and almost the long range population horizon of 11,000 (258 acres.) The long range plan shows development of Reserve lands in CLI classes 4-6 for residential and industrial uses. Non-Reserve residential sites amount to over 200 acres. Major future industrial sites are shown on Reserve lands adjacent to proposed highways, including the Coquihalla and an arterial road network to connect major routes outside the city centre and thereby direct truck traffic away from developed parts of the city. The two major arterial connectors, one for truck traffic and one for other local traffic are in the nature of bypass routes and cut squarely through the high capability agricultural area along the Nicola River to the east of the present municipal boundary.

The Commission, in commenting on the plan, expressed concern with the long range designation of Reserve lands of Class 3, 4 and 5 for urban uses and with the two highway routes bisecting Class 2 lands. In response, the town emphasized the long-run nature of the proposed designations, stating that the town would not interfere with efforts in
the interim to upgrade the agricultural capability of the lands through irrigation. The highways route had been selected in consultation with ranchers and Indian bands in the area (and probably represents Highways Ministry preferred routing). The Commission in turn replied that it did not want to commit a future Commission, and that it would not change its comments on the arterial road proposals, but would consider the routes when the need arose and was substantiated.
The British Columbia Provincial Agricultural Land Commission is abbreviated in these notes as BCPALC.

1. Unless otherwise specified, the actions of the Merritt council, the Commission and others are documented in BCPALC Application file 91-Zz-77-04045 and BCPALC Plan Review file PL-Zz-79-08298.


3. Ibid., Figures 5.2.1 and 5.2.2.

4. Ibid., Appendix A.

5. Ibid., Figures 5.2.1 and 5.2.2.
PART III
ANALYSIS
CHAPTER 9

SUMMARY AND ANALYSIS OF THE BLOCK APPLICATION PROCESS AND COMMUNITY PLANS

This thesis set out to explore how the Agricultural Land Reserve system operates as a means to resolve provincial and local differences over agricultural land use in a small town setting. In Chapter 1, several questions were posed to guide this exploration. This chapter applies the findings of the five case studies to the questions.

Figure 4 summarizes the case study application outcomes. It shows the sequential relationship between applications, decisions, and reconsiderations for each municipality. Three of the five municipalities (and related private applicants) undertook series of overlapping and reiterated applications. The block applications and private applications were made in aid of a variety of urban needs, including public projects, private development proposals, and overall needs for land suitable for community development. In virtually none of the applications was the urban need for the Reserve land demonstrated in terms of demand for subject sites. Instead, the demand was inferred by asserting the absence of alternative locations for the proposed use or general need. Assessments of agricultural capability were often complex, and the
# Figure 4

Outcome of Case Study Applications, Showing Decision Sequence of Related Applications and Acres Requested and Excluded in Each Commission Decision or Recommendation

<table>
<thead>
<tr>
<th>Related Applications: Reference Numbers</th>
<th>Net Acres Requested, Related Applications</th>
<th>Acres Requested( ) &amp; Excluded in Each Commission Recommendation or Decision</th>
<th>Acres Excluded, Related Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MERRITT</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1977</td>
<td>35</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1978</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>KEREMEOS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1975</td>
<td>25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1977</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1978</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ARMSTRONG</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1974</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1975</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1976</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SALMON ARM</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1975A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1975B</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1975C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1978A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1978B</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1979</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>100 MILE HOUSE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1975</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1979</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>MERRITT</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1977</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: British Columbia Provincial Agricultural Land Commission Application files.
viability of lands for economic farm use a complicating factor. Local public or neighbourhood opinion, expressed in an organized fashion, was decisive in three applications or series of applications, whatever the long-term consequences for the Reserve and the nature of and public interest in the projects involved.

Three municipalities filed exclusion applications during 1974 and 1975 as follow-ups to the Reserve designation process (Armstrong, Salmon Arm, 100 Mile House). These municipalities were dissatisfied with the outcome and returned to the Commission to try again to exclude land from the new Reserves. In the case of Salmon Arm, the application was in the nature of a fine-tuning boundary review. Once these early applications were processed, the number and acreage of case study block applications declined. This decline parallels the pattern of all urban applications shown in Figures 1 and 2, Chapter 1.

9.1 Reasonable Outcomes for Small Municipalities

The cumulative outcome of the case study applications has been the release of land from the Reserves to accommodate municipal growth. (See Figure 4.) Two questions were posed in Chapter 1 to help evaluate the reasonableness of block application outcomes from the point of view of the small municipalities and the local context. (1) Do application outcomes cause hardship to the local area or local public interest, and (2) do outcomes conform to decision criteria
based on the aims of the Reserve system and legitimate trade
offs among the criteria?

9.1.1. Hardship and the Public Interest

If block application outcomes have caused hardship to
a local area, some public interest would be affected by the
resulting shift to an urban use or removal of land from the
Reserve. The Commission had envisioned the use of municipal
block applications for public interest purposes and large
segments of land in multiple ownership, and in 1974 criti-
cized block applications made in support of private develop-
ment proposals.¹ Table 14 illustrates the difficulty in
determining the local public interest in the applications.
The table outlines the proposed urban use; the current status
of development on the subject land; whether the proposal is
a public or municipal project; whether there is a specific
development proposal connected to the application; and
whether the subject land is in single ownership or optioned
for the development proposal. Public projects of local
benefit may have high nuisance value for some local areas;
specific development proposals by single entrepreneurs may
be viewed locally as enormously beneficial to the community;
the exclusion of lands in multiple ownership from the Reserve
in order to keep down the price of urban land may be
beneficial.

Table 14 shows that much of the land excluded as a
result of the case study applications remains undeveloped.
The current status of development on the excluded land could
TABLE 14
PUBLIC INTEREST CONTENT OF CASE STUDY APPLICATIONS:
USES, DEVELOPMENT PROPOSALS AND OWNERSHIP ISSUES

<table>
<thead>
<tr>
<th>Application</th>
<th>Proposed Urban Use</th>
<th>Development Status, 1980 Excluded/Non-Farm Use Permitted</th>
<th>Municipal/ Public Use or Project</th>
<th>Specific Development Proposal</th>
<th>Is Ownership/Initiative with Single Owner/Option Holder?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Keremeos 1975</td>
<td>housing</td>
<td>small number of lots developed; some held for speculation?</td>
<td>-</td>
<td>no</td>
<td>-</td>
</tr>
<tr>
<td>1977</td>
<td>Sewage treat. plant, effluent storage</td>
<td></td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>1978</td>
<td></td>
<td></td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>Armstrong</td>
<td>shopping centre</td>
<td>developed</td>
<td>no</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>1974</td>
<td></td>
<td></td>
<td>part</td>
<td>no</td>
<td>yes</td>
</tr>
<tr>
<td>1975</td>
<td>highway comm., access road</td>
<td>road built; large portion of land developed</td>
<td>part</td>
<td>no</td>
<td>yes</td>
</tr>
<tr>
<td>1976</td>
<td>highway comm.</td>
<td>small amount of development</td>
<td>no</td>
<td>no</td>
<td>yes</td>
</tr>
<tr>
<td>Salmon Arm</td>
<td>various</td>
<td></td>
<td>part</td>
<td>part</td>
<td>no</td>
</tr>
<tr>
<td>1975A</td>
<td>various</td>
<td></td>
<td>part</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>1975B</td>
<td>shopping centre</td>
<td>developed</td>
<td>no</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>1975C</td>
<td>sewage treat. plant, effluent storage</td>
<td></td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>1978A</td>
<td>road r.o.w.</td>
<td>none-municipality seeking provincial approval of road network</td>
<td>yes</td>
<td>yes</td>
<td>no</td>
</tr>
<tr>
<td>1978B</td>
<td>residential</td>
<td>no apparent development</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>1979</td>
<td>residential</td>
<td>not applicable (recent exclusion)</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>100 Mile 1975</td>
<td>residential, industrial</td>
<td>ca. 1/5 of residential area developed; industrial land developed</td>
<td>no</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>House</td>
<td></td>
<td></td>
<td>no</td>
<td>no</td>
<td>yes</td>
</tr>
<tr>
<td>1979</td>
<td>industrial</td>
<td>not applicable (recent exclusion)</td>
<td>no</td>
<td>no</td>
<td>yes</td>
</tr>
<tr>
<td>Merritt 1977</td>
<td>industrial</td>
<td>no development</td>
<td>yes</td>
<td>no</td>
<td>yes</td>
</tr>
</tbody>
</table>

SOURCES: British Columbia Agricultural Land Commission, Application files; interviews with municipal officials and consultants; site visits.
be taken to illustrate the absence of real urban need, the difficulty of predicting the rate of development in small towns, or the usefulness of having sufficient land available on the market to keep prices at reasonable levels. For purposes of this analysis, it is assumed that the municipal applicants were acting in the local public interest.

Under this assumption, the complete refusal to exclude or permit non-farm use by the Commission and cabinet could be deemed a hardship for the municipality and local community. In the cases studied, municipalities were usually able to obtain at least partial exclusion or non-farm use if they persisted with their applications. Where there were strong local objections to the proposed urban use, however, the Commission held to its initial refusals and the municipality had to look elsewhere for a site for the proposed use (Keremeos and Salmon Arm sewage facilities). The hardship attendant on the Commission's decision on the Keremeos sewage facility application was partly the result of the confusion of powerful overlapping provincial jurisdictions responding to conflicting statutory mandates and publics. In one application where the development proponent or owner was willing to reduce his immediate demands, 100 Mile House, 1975, the municipality also accepted the Commission's initial decision. This example was a special situation because the development proponent had complete control over development in the municipality by virtue of land ownership and could judge the adequacy of the land excluded. Remaining undeveloped areas
on the excluded land further confirms that the Reserve has not caused hardship by unduly limiting the supply of land for urban purposes.

9.1.2. Decision Criteria

The Commission usually referred to some of its decision criteria in recommending or deciding on the case study applications. However, it is not possible to judge the fit of the outcomes to the Commission's substantive criteria. Often, the Commission made an initial decision with reference to its criteria and then subsequently altered that decision with no substantive change in the situation, illustrating the uncertainties of measurement associated with urban need and agricultural capability as well as the difficult task of weighing these aspects. Where urban and agricultural concerns could be weighed with relative ease, the Commission decided applications with the most dispatch and their initial recommendations were accepted by the applicants. 100 Mile House and Merritt both are relatively dense communities, so that urban need can be more readily defined. The agricultural capability of Reserve lands is generally lower in these ranching areas, with the agricultural use of small parcels more limited in relation to the extensive requirements of cattle grazing.

In contrast, the other three case studies demonstrate the real difficulties in assessing both urban need and agricultural capability. Where there is considerable infill land available outside the Reserve, and where small parcels
are capable of producing fruits or heat-loving crops, the operational definition of urban need has turned on issues such as land price, ownership, and competition of the proposed urban use with similar existing uses. Such concerns were not explicitly part of the Commission's decision criteria developed from the Reserve designation process. When the Commission does consider these factors as determinants of urban need, its recommendations are reasonable from the municipal point of view.

9.2 The Role of Small Municipalities in the Process

9.2.1. Municipal Resources and Technical Information

In order to assess whether or not small municipalities have been able to participate actively in the application process, several questions were raised in Chapter 1. One set of questions dealt with municipal staff resources and access to information. Do small municipalities have adequate staff and technical resources to carry out their block applications and can they obtain and present good information related to the relevant issues?

Of the five case study municipalities, only Salmon Arm has its own planning staff. Yet with the aid of regional district staff, development proponents, or municipal consultants, the municipalities were able to marshal arguments and other assistance in pursuit of their proposals regarding Reserve land. This information did not always relate directly to the issues which the Commission has established as relevant.
to exclusion and use applications, but such arguments signalled the commitment of municipal applicants to their proposals. The availability of technical information seems not to have been a problem for the municipalities, but rather for the Commission in the area of urban-related issues, especially in earlier applications.

The quality of information about its concerns that has been available to the Commission, either from municipalities or its own staff, has left much room for interpretation by the Commission in weighing the factors it considers relevant. The Commission did not always have accurate information on the long run implications of the proposal or did not accurately interpret the information at hand.

In the majority of case study applications, Commission staff sought additional information from council staff or from other agencies relevant to the municipal position, or met with the municipal council to discuss the application. These contacts reflect dissatisfaction with the initial information supplied with municipal applications, but they also reflect a concern to obtain the municipal view on aspects of the matters at issue and to ensure that the municipal view is well represented. This Commission activity thus supplemented municipal efforts and staff work.

9.2.2. The Municipal Role in Taking the Initiative

The second aspect of the municipal role to be explored concerns the ability of municipalities to take an active role in the application process. This is especially important
when the substantive issues could not be easily measured, a frequent occurrence in the case studies. If municipalities were unable to pursue their applications actively, their role could degenerate into a passive one.

The small municipalities comprising the case studies have taken the initiative to use the application procedures of the Reserve system to further their land use and development goals. Figure 5 summarizes how three of the five municipalities have extended the formal procedures when the Commission did not make a decision to their liking. The dotted lines in the figure show how these municipalities have gone beyond the formal procedures in an effort to change the outcome of initial Commission decisions. The municipalities have reapplied for lands refused, either under the same or different sections of the Act; requested the Commission to reconsider the first refusal; and presented anew their case to the Environment and Land Use Committee of cabinet upon the Commission's formal recommendation to that body. Reconsiderations by the Commission were more common during the first few years after the establishment of the Reserves. Municipalities have also tried other tactics to achieve a Commission decision in their favour, such as appealing to members of the Legislative Assembly and to ministers to intervene for them and involving other provincial agencies whose interest in the application coincided with the municipality's.
FIGURE 5
FLOW CHART FOR CASE STUDY APPLICATIONS

Exclusion from ALR  →  Remain in ALR

(a) Application to Exclude by local government

(b) Application to Allow Use/Subdivision by local government

Public Hearing (after 1977)

- salmon Arm 75A/B, 78/79
- Keremeos 75
- 100 Mile 75
- Armstr. 75

Commission Recommendation

- Keremeos 77/78
- Salmon Arm 75C

Final Decision

- salmon Arm 75
- Keremeos 78

Outlet/Cabinet

- Mun. does not accept
- Mun. Accepts

- Mun. does not accept
- Mun. Accepts

SOURCES: [British Columbia Provincial Agricultural Land Commission], "Flow Chart for Applications under the Agricultural Land Commission Act," [ca. 1979]; and Application files [see Tables 9, 10, 11, 12, & 13 above].
9.3 Obtaining Municipal Consent in the Regulatory Process

Based on the regulatory nature of the Reserve system, and noting the apparent convergence of municipal application and cabinet or Commission decisions over the years, Chapter 1 questioned the implications of the convergence. Is there evidence of some form of regulatory capture of the Reserve system by the municipalities?

The literature on North American regulatory experience describes the capture of regulatory agencies by regulated parties where the consent of the regulated is necessary for successful regulation. Matthew Holden, in his paper *Pollution Control as a Bargaining Process*, describes the conditions which result in regulation by consent: the inability of the regulatory decision-makers to "ordain" and the ability of the regulated to "filibuster". Holden applies the term "successful" to regulatory activities whose outcomes reflect the goals of the regulatory agency. The Reserve system goal of slowing the conversion of agricultural land to urban uses is difficult to assess in individual applications. However, in a number of the case study applications, municipalities have refused consent to Commission and/or cabinet decisions and persisted until land was excluded (see Figure 4; Keremeos 1975, Armstrong 1976, and Salmon Arm 1978B and 1979). These exclusions reversed the initial "protective" decisions of the Commission, suggesting a discrepancy between the Reserve system goal and outcomes of these block applications.

Several aspects of the application process suggest that the Commission's position vis-a-vis the case study
municipalities has been relatively weak. The case study municipalities have responded to initial Commission refusals by pursuing their applications, through the sequence of application, reconsideration, and reapplication shown in Figures 4 and 5 and Table 15. When the Commission has at first refused block exclusions, they have often changed their decision in the cases studied. The exceptions to this observation have been applications to which a segment of the local community has objected in an organized way, lending support to the Commission's initial refusal (Keremeos 1977 and 1978; Salmon Arm 1975C) or applications whose partial exclusion was accepted by the developer (100 Mile House 1975). Where the Commission's criteria are difficult to define, the resolution of municipal-Commission disagreements over Reserve land use and development seems to depend on the consent of the municipality to Commission recommendations.

The process of gaining municipal consent has been lengthy. The Commission has shown itself willing to respond to municipal requests for reconsideration, and as a matter of course has dealt with reapplications. As shown in Table 15, the Commission has also sought to modify or persuade the municipalities to abandon the development proposals supported by their applications to which the Commission has objected. To counter municipal and third party development intentions on Reserve lands, the Commission has

- recommended against the exclusion;
- attached conditions to development;
<table>
<thead>
<tr>
<th>Municipality &amp; Application Reference Number</th>
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<th>Notes</th>
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</tr>
<tr>
<td>1977</td>
<td>R X</td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**
- Conditions rejected by cabinet.
- Suggest area for site with lower agricultural capability.
- Cabinet appoints Task Group. Commission would reconsider if no alternative sites found by Group. Suggest alternative per 1977 application.
- Suggest zoning change to direct development to serviced area via change in minimum lot size.
- Staff seeks alternative site during application process. Reluctant approval.
- Query whether sewage treatment facility close to river would be approved by Pollution Control Board.
- Suggest another site.
- Suggest another site. Would consider several sites in connection with spray irrigation methods of effluent disposal.
- No objection to later exclusion of parcels severed by this road.
- Approval of partial exclusion subject to submission of subdivision plan showing phasing. Initial recommendation was changed to accommodate phasing.

**SOURCE:**
British Columbia Provincial Agricultural Land Commission Application files.
- recommended only part of the exclusion sought;

- tried to persuade the municipality to change its policies affecting the development of Reserve areas;

- given notice that it would consider no more applications from the area; or

- indicated that it might reconsider its decision in light of further developments.

These efforts to assert its viewpoint through its powers or by advice and persuasion have generally not succeeded in changing municipal approaches to the development of the Reserve lands in the cases examined. The municipalities have persisted, often buoyed by third party interest and support. The Commission only infrequently has access to such third party support, although when it has, it has been able to maintain its initial position.

On balance, the Commission's role in the application process has been relatively passive compared with the case study municipalities'. While the Commission's advice has been followed by cabinet at the final stage of each case study application within a related municipal series, when the Commission's recommendations have not been accepted by the municipality and not been supported locally, the Commission has eventually altered its decision.

The community plan contents and process suggest the continuation of this kind of regulatory decision-making. That is, the policies found in the community plans are generally extrapolations of past trends, some of which have been defended or pursued in the exclusion applications.
examined. Some plans offer strategies for dealing with these potential conflicts (eg. Armstrong, Merritt, Salmon Arm).

The Commission in its dealings with municipalities has been unable to ordain the outcome of block exclusion applications. This inability arises from several sources. The trade-offs between urban need, a dimension difficult to measure or assess, and marginal agricultural lands whose capability by definition excludes economic considerations, are made in a situation capable of wide interpretation. Secondly, the locus of final decision with the cabinet encourages follow-up applications and direct appeals from disappointed municipalities (Salmon Arm 1975B; Keremeos 1977 and 1978). Lastly, municipal development is a continuous process, consuming additional land each year. In the absence of radical change in development patterns, this confirms the view of municipal officials that agricultural land is a holding zone awaiting eventual urban development, so that no Commission or cabinet decision is regarded as final.

The case study municipalities have made use of traditional avenues to influence cabinet and persisted in their efforts to obtain exclusions, just as they might pursue provincial financial assistance, seek the location of provincial offices in their community, and so on. The system has operated in the cases studied to resolve provincial-municipal land use policy disagreements through a prolonged process, at the end of which the consent of the municipality is gained, at least in the short run, for an adjusted Reserve
boundary. This resolution is an interim one, as evidenced by municipal plans and the history of exclusion applications presented. Earlier patterns of small-town development are to continue on the periphery of urban communities.

9.4 Community Plans and Future Prospects

Provincial policies and legislation require conformity between Reserve lands and community plan future land use designations, including Reserve sites to accommodate five year's demand. Community plans should specify development phasing, along with major municipal road systems, a truly long-term undertaking. The nature of the required plan form and content almost ensures that any designation of future urban land use will not conform to provincial policies regarding Reserve lands. In small municipalities where most physically developable municipal lands are within the Reserves, any development beyond existing urban areas is bound to involve Reserve lands. To do otherwise would require a situation of generous infill capacity or development directed outside municipal boundaries. Community plans in the case study municipalities thus provide for a framework of policies and information within which the Commission and municipalities will eventually sort out their differences over land use. Rather than resolving such differences, the plans provide a strategy or rationale for future exclusions in the local public interest. Indeed, the plans or their regional counterparts have done so already.
9.4.1. Plan Content

The five community plans vary in their commitment to the spirit of the Reserve system and the policies of the Ministry of Municipal Affairs and the Commission. Only Armstrong avoids designating in map form Reserve lands for urban use. 100 Mile House and Keremeos have managed to co-ordinate designation of Reserve for urban development with Commission approval in advance to obtain the necessary exclusions. Salmon Arm has succeeded in obtaining the exclusion of one segment of Reserve land designated for small-lot development in its plan. The plans show various strategies toward Reserve land development:

- tidying up Reserve boundaries to remove areas committed to development or subdivided (Keremeos);
- establishing an approach to future decisions about phasing the development of various Reserve segments based on agricultural capability (Armstrong);
- designating Reserve areas for which, as a matter of policy, the municipality will support or make future exclusion or subdivision applications (Salmon Arm);
- concurrently negotiating for a major exclusion in the context of a boundary review (100 Mile House);
- taking a relatively long-term approach to development phasing for Reserve lands in a context of ample non-Reserve alternatives in the medium term (Merritt).

Much of the future land use set out in the plan maps provides for residential development. According to data collected for the plans, each of the municipalities has sufficient non-Reserve land area within its boundaries to provide for residential demand over the 5-year plan period. However, in each case there is some indication that in the
future, the municipality will seek or support exclusion for housing purposes. The plans' various approaches to this future competition among land uses often reflects their planners' approaches to phasing or sequencing development.

In the immediate future, the most conservative community plans with respect to the Reserve reflect an abundance of developable non-Reserve lands or subdivided Reserve lands within the municipal area (Merritt & 100 Mile House). Others intend to develop their Reserve areas because they do not have any other sites, because they are already substantially committed to urban or smallholding uses, or for various tactical reasons (Salmon Arm). Merritt's plan is the only one to specify the full longer-run implications of development at current standards and practices for the surrounding Reserve.

The treatment of industrial sites is somewhat different. Plans for 100 Mile House incorporate the most recent exclusion for industrial purposes, but the major future industrial area is outside the Reserve on a site well south of the village. The plan document echoes the skepticism of the village mayor that this site can in fact be developed, but makes no alternative suggestions. Merritt and Salmon Arm have vacant partially serviced land in industrial parks, and in Armstrong a more modest site is also vacant. Keremeos has an extensive area of vacant industrial land in its centre. The Merritt long range plan map suggest additional industrial areas which overlap with the Reserve.
The commercial uses proposed in the plans generally are located within existing retail areas, and the plans express concern to maintain, improve, and expand existing central retail areas via redevelopment. Thus no specific provisions are made for shopping centre sites. Whatever the plans may suggest, a municipality such as Merritt, which does not have a shopping centre on its periphery, will probably entertain ad hoc proposals for such development out of dissatisfaction with existing shopping services.4

The road network components of the community plans are one of their most problematic features for the Reserve system. The Keremeos, Armstrong and Merritt plans show major new roads routed through high quality agricultural land not otherwise proposed for urban development. The source of these proposals is not clear, although the Armstrong and Merritt routings probably originated with the Ministry of Transportation and Highways.5 In its plan reviews, the Commission has consistently expressed concern over road networks designed to pass across Reserve lands. The emphasis which circulars from the ministry of Municipal Affairs, the Municipal Act planning sections, and links between community plans and provincial financial assistance for road projects all give to road network proposals suggests that future relations between municipalities and the Commission over road rights-of-way could be acrimonious.6

The community plans prepared for the case study municipalities propose to continue and expand existing modes of
development. Their policies toward Reserve lands concern those lands directly, and the implications for Reserve lands of development policies such as housing densities, road routes, and servicing programs are left unstated. Statements of support for Reserve retention, often coupled with capability caveats, have been inserted in the plans as required by provincial policies, at times at the instigation of planning consultants.\textsuperscript{7} The data at hand do not make it possible to separate the policies originating with the planners or engineers from those of the municipal council or staff. The interviews with municipal officials suggest land use designations reflect the concerns of the municipality more than do general statements of support for Reserve lands.

9.4.2. Consultation during Plan Preparation

Contacts between municipal and Commission staff during Community plan preparation have occurred during two phases: survey and analysis, or concurrently with council reading and adoption of a final draft. These contacts are summarised in Table 16. The early contacts were between the planner hired to prepare the plan documents and the Commission staff assigned for liaison with such planners. Planners sought advice on specific Reserve areas (Merritt) or more general advice about Commission views on conversion of Reserve lands to urban uses (100 Mile House, Armstrong).\textsuperscript{8} Where there is no evidence of these kinds of contacts, the planners involved had long associations both with the municipality and had been involved in Commission-municipal relations previously.\textsuperscript{9}
<table>
<thead>
<tr>
<th>Municipality</th>
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<th>Commission Comment on Plan</th>
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<td>Keremeos</td>
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<td>X</td>
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<td></td>
<td></td>
<td></td>
<td>September 80 to planner</td>
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<tr>
<td>Armstrong</td>
<td>1977-78</td>
<td>(1)</td>
<td>planner &amp; Commission</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>staff liaison during</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>plan preparation</td>
</tr>
<tr>
<td>Salmon Arm</td>
<td>? -79</td>
<td>(2)</td>
<td>none</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>November 79 to planner</td>
</tr>
<tr>
<td>100 Mile House</td>
<td>1978-79</td>
<td>X</td>
<td>planner &amp; Commission</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>January 80 to planner</td>
</tr>
<tr>
<td>Merritt</td>
<td>1978-79</td>
<td>-</td>
<td>planner &amp; Commission</td>
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<td></td>
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<td>staff liaison during</td>
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<td></td>
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<td>plan preparation</td>
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</tbody>
</table>


(1) The area around Armstrong is entirely within the rural District Municipality of Spallumcheen, which recently prepared a community plan.

(2) Areas adjacent to Salmon Arm are comprised within the Deep Creek-Canoe Creek and Salmon Valley-Falkland Subregional Plans.
The Commission has reviewed four of the final drafts or adopted plans, and the resulting comments have been made to planners in three cases and to council in one. These critiques comment on the general direction of development proposed in the plan and stated support for the Reserves, then focus on proposals for specific pieces of Reserve land and road rights-of-way. There have been no substantive municipal responses to these review comments in terms of plan proposals, although Merritt expanded on its position by letter to the Commission. It is difficult to see how a municipality could be responsive to such last minute Commission input. The Commission must rely on municipalities to submit their plans for comment voluntarily. Reference to the Commission is ensured only where the community plan has been prepared jointly with a settlement plan which must conform to Municipal Affairs referral procedures in order to gain provincial approval. Timing of submission is also at the discretion of the Municipality.

Where planners have sought advice from Commission staff during plan preparation, the incorporation of such advice into the plan seems to have depended on the planner's attitude, the conformity of Commission advice with likely municipal views, or the availability of other lands for urban expansion (Armstrong, 100 Mile House, and Merritt respectively).
9.4.3. Summary

The process of consultation sketched above conforms to the institutions and policies established by statute, the Ministry of Municipal Affairs, and the Commission. There has been some useful voluntary contact between planners and Commission staff, although one plan has not been referred to the Commission yet. Nevertheless the consultation is limited to Reserve lands per se, rather than the broader implications of plan policies for the Reserves. The practice of last minute referrals of completed plans means that the Commission's views cannot be incorporated and that they do not get an airing at the public hearings which follow third reading of plan bylaws.

The case study municipalities have shown an active concern with their Reserve lands in their different plan strategies toward them. But in their communication with the Commission during plan preparation and in their policies, the municipalities have not expressed interest in using community planning to deal positively with the implications of future development for existing Reserves. Rather, the Reserve boundaries are treated as a barrier to development.

9.5 Conclusion

The small municipalities studied have taken an active and generally successful part in the block application process in order to shift land out of the Reserves for development. Reserve system procedures and the legitimacy of urban needs recognized by Commission decision criteria have been
well suited to small municipalities. The procedures are well defined as far as the role of the Commission and the formal application process are concerned but also leave room for traditional municipal means to try to influence the Environment and Land Use Committee and cabinet. In terms of local concerns, the outcomes of block applications have been reasonable, with the exception of the Keremeos sewage treatment plan applications and, perhaps, recent Salmon Arm experience.

The "success" of municipal block applications as an outcome of a lengthy process of repetitive considerations by the Commission suggests a weakness in the Commission's role vis-a-vis municipalities. The Reserve system permits successive serial applications, and in situations where the agricultural capability or farm viability of the subject Reserve land is in contention, the case study municipalities have frequently refused to consent to initial Commission recommendations and cabinet decisions and secured exclusion through repetitive applications with no apparent change in circumstances.

Municipal-Commission consultation during community plan preparation has been rather limited, with pro forma referrals to the Commission at an advanced stage in the planning process. The Commission's and Ministry of Municipal Affairs policy and implementation suggestions may have been helpful to planners preparing plan documents. However the commitment of municipal officials to Reserve-related policies remains ambiguous.
NOTES

The British Columbia Provincial Agricultural Land Commission is abbreviated variously in these notes as "BCLC," "BCPLC," and "BCPALC" according to the style of the documents cited.


3. BCPALC Application files "Keremeos," O/B-V-77-04286 and 91(b)-V-78-05883; and Interview with Tony Pellett, Planning Director, Regional District of Columbia-Shuswap, Salmon Arm, 30 May 1980.

4. Interview with Leo Den Boer, Clerk, Town of Merritt, Merritt, 5 June 1980.

5. The Armstrong road proposals follow the plans suggested in the documentation of the 1975 and 1976 case study applications (see Chapter 5).


9. This is the case for Salmon Arm and Keremeos.


11. Interview with Lainsbury; as the planner for Armstrong he had disagreed with the views of the Commission staff liaison.
CHAPTER 10

THE BALANCE OF PROVINCIAL AND LOCAL INTERESTS
IN INCREMENTAL LAND USE REGULATION

The Reserve system attempts to balance the interests of the province and local areas. The answers to the questions posed in Chapter 1 describe a regulatory environment in which small municipalities have been able to pursue their interests effectively within provincial agricultural land policy. The block application process seems to suit municipal resources and skills. The case study municipalities have generally used block applications in an incremental fashion, after some early efforts to revise the Reserve boundaries substantially. As piecemeal rezoning, the block application process has been well suited to the pace and style of development in the small case study municipalities.

This incremental approach has placed the Commission at a disadvantage in the process. The Commission's criteria for evaluating applications are not easy to apply to small scale applications. The small scale of applications limits the Commission's access to support from persons or groups outside the statutory Reserve system.  

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10.1 Third-Party Support

Frequently owners or developers have become involved in the case study block applications. Other local people have only become involved when a development proposal has generated a strong reaction. In the case studies, there were no examples of intervention by organized interest groups or associations. The Commission's decisions and recommendations have conformed to expressions of public opinion unless it appeared to be divided. This conformity has extended to situations where the Commission was in strong disagreement with the views so expressed (Salmon Arm 1975B). Where no such expressions were forthcoming, the Commission has approved applications which it at first refused but which were pursued by the municipal applicant (eg. Keremeos 1975, Armstrong 1975, and Salmon Arm 1978B and 1979). When opinion was divided, the Commission has taken a conservationist position, refusing to make trade offs for urban needs (eg. Keremeos 1977 and 1978 and Salmon Arm 1975C). There is no evidence that application procedures act as a barrier to intervention. The public hearing requirement in effect since 1977 has made no difference in whether or not such intervention occurs.²

The incremental application process does limit input from groups or individuals who might be expected to support Commission decisions against exclusion or use based on agricultural capability and other farming-related issues. Small changes in the Reserve land area have little effect on the farming community or on the Reserve itself in quantitative
terms. The effect is even harder to assess when the land in question is not being actively farmed. Changes in the Reserve in the interior are monitored to a certain extent by the British Columbia Federation of Agriculture farmer advisors and members of the Institute of Agrologists. But cumulative changes are not under public scrutiny. Any impacts of small changes in interior Reserves would appear only after small changes had accumulated over time to produce problems for the farming community. As a result, when the Commission makes a recommendation to refuse exclusion based on agricultural capability grounds, there is not likely to be any support for its position if the subject site is small relative to current farming practice or uneconomical to farm under current practice.

The effect of these circumstances is probably reinforced by the tendency of the public to believe that a regulatory agency established to carry out a particular public interest goal is doing so effectively and without difficulty. In the case of the Commission, belief in its success is reinforced by the furor when the cabinet does not follow the Commission's recommendation on a large application with political overtones, or, more commonly, when the cabinet overturns a Commission decision on appeal. These important applications appear, then, to be the sole source of problems in the Reserve system.

The absence of day to day public concern over the small applications is a worrying feature of the Reserve system. Since the locus of decision is with the cabinet, the Commission is
only first among the interest groups acting in connection with a block application. Where a decision among competing interests is made by a politically accountable body like the cabinet, public support can be crucial.

10.2 Problems and System Improvements

The analysis of the case studies suggests several problems in the operation of the Reserve system vis-a-vis small municipalities:

- The length of block application process from first application to an accepted cabinet decision;
- The uncertain role of the Commission's decision criteria in the process of reaching a decision or recommendation;
- The isolation of the Commission from outside support when making decisions primarily based on the CLI rating of agricultural capability of land.

The relative weakness of the Commission's position vis-a-vis municipal applicants in the case studies seems to be bound up with these problems. This weakness was evident before the 1976 change of government. The suggestions set out below for improvements to the system aim to give the Commission a firmer base of operations without requiring major changes in the rules of the system.

10.2.1. Waiting Period

Reapplications and, in earlier years, reconsiderations of applications, unnecessarily wasted the time of all concerned with small municipalities' block applications. Generally, a lengthy period between application and accepted decision did not bring out additional information, especially in the more
recent years, or time was not the factor which limited good information inputs.

A statutory waiting period for reapplications in the absence of substantial new information could be introduced. This would not remove the present access to cabinet for municipal applicants. The Commission would have to establish a parallel policy to eliminate frivolous requests for reconsideration of its recommendations on an application in order to limit prolongation through this route. The Commission would also have to be more explicit and consistent (as suggested below) on how it utilizes decision criteria, so that municipalities could be reasonably confident that the Commission would not refuse exclusion on shaky agricultural grounds, and so that cabinet would not be faced with criticisms of Commission analysis of the subject land.

10.2.2. Decision Criteria

The Commission should try to ensure that its decision criteria are applied with consistency. The Commission has stated that it will not consider economic or technological factors in judging the capability of land for agricultural production. However, applicants include these issues in their arguments and the Commission appears to have been swayed by these issues. In future, the community plans may assist the Commission in assessing urban need.
10.2.3. Public Monitoring on a Geographic Basis

The Commission publishes annual statistical reports containing a wealth of information on various types of application decisions at the regional district level and at the level of municipality or local area for block applications. The Commission should also publish maps showing annual and cumulative changes in the Reserves and the location of these changes at the subregional district level. Without a geographically referenced record, the cumulative impact of changes in the Reserve on the province's farming communities will remain as poorly understood as it seems to be now.

Publicly available information on the areal extent and location of changes in the Reserve, including non-farm use, could help to reduce the isolation of the Commission in its role as defender of the province's farmland and increase links with provincial, regional and local groups who might offer support regarding individual applications. The monthly publication, perhaps on a regional basis, of lists of new applications would also help to inform members of the public and others who might be interested. Both the publication of maps and newspaper listings would require funding increases to support additional Commission staff and material costs.

Mapped information is bound to generate criticism of individual Commission decisions, overall policy, and perceived inconsistencies, particularly by dissatisfied private and governmental applicants. This is not to say that the Commission does not make decisions in an equitable and rational
fashion, but rather that the inevitable element of judgment which must enter into weighing up a range of values will be evaluated differently by different people and groups. Improvements in the definition and application of decision criteria could help reduce such sniping.

10.3 **Research Opportunities**

10.3.1. New Development Patterns

The community plans surveyed for this project continued existing modes of development outward from developed areas. The city of Vernon, a much larger community than the five case studies, is considering a fairly radical departure from this pattern of growth in order to avoid high capability agricultural lands. Vernon's planning activities and those of any other municipality which has undertaken to change past development trends should be investigated to see what financial, political, and physical factors contributed to the shift. Implementation of strategies proposed should be monitored, and an evaluation of the applicability of the Vernon and other approaches to smaller municipalities and to different agricultural settings incorporated.

10.3.2. Cumulative Impacts of Reserve Losses

The difficulty in judging the cumulative impact of farmland losses on the farming community in any area has been noted above. A study to separate the impact of farmland losses from other factors undermining the viability of farming
communities would help to establish the significance of the Reserve and of small losses of agricultural land to urban uses.

10.3.3. Decision Making

This thesis has not analysed how decisions are made by the Commission, the Environment and Land Use Committee of cabinet, and the cabinet, or the relations between these bodies. Recent changes in the lines of ministerial responsibility for the Commission and the dissolution of the Environment and Land Use Committee secretariat could have considerable impact on the Reserve system. An understanding of the role of the Environment and Land Use Committee and its former secretariat would help to clarify the implications of the case studies presented here.

The Commission has always maintained a technical stance towards its role, aiming to make decisions based on sound technical grounds. Yet in the cases studied, the Commission has made changes in its recommendations which are not explained on purely technical grounds. This suggests that some political calculation may have been involved, and an investigation of Commission operations to see if bargaining occurs and, if so, how it takes place would further clarify the implications of the case study findings.

10.3.4. Community Plan Implementation

In their community plans, the five case study municipalities set out strategies and proposals for the
development of Reserve land, some which have already been partially implemented. A wider survey of community plan policies toward the Reserve and their implementation could contribute to an improved planning process and to better integration of provincial agricultural land policy and municipal development policy. The role of community and settlement plan documents in Commission decisions should also be assessed to see if the parties are able to take a more comprehensive view and what effect such a view has on the application process and outcome.
The British Columbia Provincial Agricultural Land Commission is abbreviated in these notes as "BCPALC."

1. These observations probably apply to private applications, but the Commission has greater jurisdiction over private applications since it decides on them rather than recommends on them to cabinet. Richard Schultz, "Regulatory Agencies and the Canadian Political System," in Public Administration in Canada: Selected Readings, ed. Kenneth Kernaghan (Toronto: Methuen, 1977) describes the wide variations in the "independence" of federal regulatory bodies, none of which are independent in the judicial sense.

2. For example, active intervention in Keremeos, 1977, occurred before the hearing procedures were activated. The hearings in connection with Salmon Arm 1978B and 1979 generated no intervention other than questions from a few adjacent owners. BCPALC Application files "Keremeos," O/B-V-77-04286 and "Salmon Arm," 91-H-78-06490 and 91a-H-79-09782.


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—. "Keremeos Community Plan [Map]." Okanagan-Similkameen Regional District, Planning Department. [ca. May 1980.]


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Kirton, M. Mayor, City of Armstrong, Armstrong. Interview, 28 May 1980.


Marks, Ross. Mayor, Village of 100 Mile House, 100 Mile House. Interview, 4 June 1980.


Pellett, Tony. Planning Director, Regional District of Columbia-Shuswap, Salmon Arm. Interview, 30 May 1980.


Sutherland, John. Planning Officer, District Municipality of Salmon Arm, Salmon Arm. Interview, 30 May 1980.
## APPENDIX 1

### COMPARISON OF SELECTED SECTIONS, AGRICULTURAL LAND COMMISSION ACT, 1973, AND 1979 VERSIONS

<table>
<thead>
<tr>
<th>Contents</th>
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<td>Provinical Agricultural Land Commission</td>
<td>4,5,6</td>
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<td>-membership</td>
<td>7(1)(a)-(h1)</td>
<td>7(a)-(c)</td>
<td>7(a)-(c)</td>
<td>1977, c. 73 removed objectes related to non-agricultural land.</td>
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<td>-term of office</td>
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<td>Agent of the Crown, Staff, Bylaws</td>
<td>8(1)</td>
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<td>Objects</td>
<td>8(2)</td>
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<td>Agricultural Land Reserves Established</td>
<td>8(3),(4)</td>
<td>8(3)</td>
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<tr>
<td>-Commission may designate with cabinet</td>
<td>8(5)</td>
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<td>approval</td>
<td>8(6)</td>
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<td>8(7)-(9)</td>
<td>8(7)-(9)</td>
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<td>without municipal assistance to adopt land reserve plan and file with Commission</td>
<td>8(10)</td>
<td>8(11)</td>
<td>10(1)</td>
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<td>-hearing to precede adoption</td>
<td>8(11)</td>
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<td>Inclusion</td>
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<td>Notes</td>
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<td>-block local government application</td>
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<td>8(12)</td>
<td>10(3)</td>
<td>Before 1977, all inclusions were carried out under B.C. Reg. 494/74.</td>
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<td>-hearing</td>
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<td>8(13)</td>
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<td>-private application</td>
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<td>8(14)</td>
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<td>Block local government exclusion</td>
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<td>9(1)(a)</td>
<td>11(1)</td>
<td>Before 1977, local governments applied under B.C. Reg. 93/75 or section 11 of the Act.</td>
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<td>Block application for non-farm use or subdivision</td>
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<td>9(1)(b)</td>
<td>11(2)</td>
<td>Applies to exclusion and use applications.</td>
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<td>Private application for exclusion by owner</td>
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<td>-Commission may grant non-farm use or subdivision</td>
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<td>-land previously zoned agricultural requires local government consent</td>
<td>9(5)</td>
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<td>9(4)</td>
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<td>-decision in writing and relevant documents available to owner</td>
<td>9(6)</td>
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<td>Private appeal to ELUC*</td>
<td>9(7)</td>
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<td>-subject to authorization of local government</td>
<td>9(7)(a)</td>
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<td>-subject to leave granted by 2 Commission members</td>
<td>9(7)(b)</td>
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*Environment & Land Use Committee of cabinet.
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<td>if Commission refuses to grant</td>
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<td>-ELUC may receive any evidence provided</td>
<td>9(8)</td>
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<td>it is available to applicant</td>
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<td>-ELUC decision, award of costs</td>
<td>9(9)</td>
<td>9(9)</td>
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<td>-Commission may be party</td>
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<tr>
<td>Agricultural Land Reserves in farm use and occupancy only, unless permitted by Act, regulations, Commission and subject to conditions</td>
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<td>15(3),(4)</td>
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<td>-covenant in favour of Commission</td>
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<td>-caveat registered</td>
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<td>10(4)</td>
<td>10(4)</td>
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<td>Does not apply to existing parcels under 2 acres</td>
<td>11(1)</td>
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<td>19(1)</td>
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<td>After 1977, non-farm use permitted to continue after transfer of land</td>
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<td>Contents</td>
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<td>After 1977 Amendments</td>
<td>R.S.B.C., c. 9</td>
<td>Notes</td>
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<tr>
<td>Application for non-farm use or subdivision, no appeal</td>
<td>11(4)</td>
<td>11(4)</td>
<td>20(1)</td>
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<td>-where previously zoned for farm use by local government, authorization required before application</td>
<td>11(4a)</td>
<td>11(4a)</td>
<td>20(2)</td>
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<td>-appeal to Supreme Court on law or jurisdiction</td>
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<td>Regulation No.</td>
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<tr>
<td>445/73</td>
<td>60/74 313/78</td>
<td>Agricultural Land Reserve Plan procedures.</td>
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<tr>
<td>60/74</td>
<td>313/78</td>
<td>Application procedures, including forms, notifications, referrals; inclusions not covered until amendment by 494/74; block exclusion procedures do not specify Commission processing.</td>
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<tr>
<td>494/74</td>
<td>313/78</td>
<td>Amendment to 60/74 to cover inclusions.</td>
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<td>93/75</td>
<td>--</td>
<td>Subdivision permitted under certain conditions; outright uses permitted; conditional uses not reducing agricultural potential or in the public interest.</td>
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<tr>
<td>313/78</td>
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<td>Application procedures, including forms, notifications, referrals.</td>
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APPENDIX 3

POLICY CIRCULARS TO LOCAL GOVERNMENTS

The British Columbia Environment and Land Use Committee of cabinet (ELUC), the British Columbia Provincial Agricultural Land Commission (BCPALT) and the Ministry of Municipal Affairs have issued a series of policy memoranda to local governments. Topics have included the preparation of Agricultural Land Reserve plans by regional districts, exclusion application procedures, and community and settlement plan policies regarding Reserve lands. (The British Columbia Provincial Agricultural Land Commission is abbreviated variously in this Appendix as "BCLC," "BCPLC," and "BCPALT" according to the style of the documents cited.)

<table>
<thead>
<tr>
<th>Issuing Agency</th>
<th>Date</th>
<th>Subject Matter</th>
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<tbody>
<tr>
<td>ELUC &amp; BCLC</td>
<td>29 May 1973</td>
<td>Transition procedures, from &quot;land freeze&quot; to Reserve designation, including land freeze appeals by local governments and local government input to Reserve designation plans.</td>
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<tr>
<td>BCLC</td>
<td>11 July 1973</td>
<td>Procedures and policies regarding preparation of Reserve plans by regional districts, and municipal input.</td>
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<tr>
<td>BCLC</td>
<td>21 Mar. 1974</td>
<td>Commission policies and local government exclusion applications.</td>
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<tr>
<td>BCPALT</td>
<td>14 July 1978</td>
<td>Community and Settlement plans and the Agricultural Land Reserve.</td>
</tr>
<tr>
<td>BCPALT</td>
<td>11 Apr. 1979</td>
<td>Conflict between Reserves and local land use legislation and proper local legislation.</td>
</tr>
<tr>
<td>Minister of Municipal Affairs</td>
<td>14 Aug. 1979</td>
<td>Conflict between community plans and Commission policies and proper plan policies.</td>
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